

Specialized Work Experience

Recommenders

Shaheen, Jeanne
Jennifer_MacLellan@shaheen.senate.gov
202-224-2841

Robinson, Kimberly
krobinson@law.virginia.edu
434-924-3181

Harmon, Rachel
rharmon@law.virginia.edu
(434) 924-7205

This applicant has certified that all data entered in this profile and any application documents are true and correct.

William Scheffer
1902 Fendall Avenue
Charlottesville, Virginia 22903
wms5ux@virginia.edu | (603) 724-4286

April 1, 2022

The Honorable Lewis J. Liman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Dear Judge Liman:

I am a third-year law student at the University of Virginia School of Law, and I am writing to apply for a clerkship in your chambers during the 2024–2025 term.

After graduating from the University of Michigan’s undergraduate public policy program, I spent five years working as a legislative staffer to a United States senator. Although I am interested in returning to public service in the future as a prosecutor, I have accepted a position as a litigation associate with Sullivan & Cromwell in their New York office and expect to join the firm immediately after graduating from law school. Your legal career models the type of career that I hope to have, and I would welcome the opportunity to join your chambers as a law clerk.

Enclosed please find a copy of my resume and my most recent law school and undergraduate transcripts, as well as a writing sample. The writing sample is a legal memorandum that I wrote during the summer between my 1L and 2L year when I was interning for Judge Indira Talwani in the District of Massachusetts. I have also included letters of recommendation from Professor Rachel Harmon (434-924-7205), Professor Kimberly Robinson (434-924-3181), and Senator Jeanne Shaheen (202-224-2841).

If you have any questions or need to contact me for any reason, please feel free to reach me at the above address and telephone number. Thank you very much for considering my application.

Sincerely,
William Scheffer

William M. Scheffer

wms5ux@virginia.edu | (603) 724-4286
1902 Fendall Avenue, Charlottesville, VA 22903

EDUCATION

University of Virginia School of Law, Charlottesville, VA

J.D., Expected May 2022 (GPA: 3.6)

- Prosecution Clinic, Staunton, VA Commonwealth's Attorney's Office
- *Virginia Law & Business Review*, Senior Editorial Board Member
- Virginia Law Democrats, President
- Peer Advisor
- Teaching Assistant, Contracts

University of Michigan, Ann Arbor, MI

B.A., Public Policy (Minor: Mandarin Chinese), May 2013

Phillips Exeter Academy, Exeter, NH

Graduated, June 2009

- Semester abroad in Taizhong, Taiwan

WORK EXPERIENCE

Sullivan & Cromwell LLP, New York, NY

Summer Associate, May 2021–July 2021

- Researched arguments in response to SEC and CFTC investigations of alleged securities law violations involving traditional financial institutions as well as crypto and blockchain-focused clients.
- Assisted in drafting a *Wells* response to a CFTC enforcement action.
- Undertook *pro bono* research regarding a federal judge's authority in the prisoner designation process and helped to prepare a sentencing mitigation memorandum in federal court.

The Honorable Indira Talwani, United States District Court (D. Mass.), Boston, MA

Judicial Intern, May 2020–July 2020

- Wrote legal memoranda analyzing municipal liability for police misconduct under the Massachusetts Civil Rights Act, the applicability of federal fraud and money laundering statutes, as well as RICO, to corrupt college admissions dealings, the free speech rights of government employees, and the proper statutory and constitutional standard for evaluating a forfeiture order in an illegal stock trading case.
- Researched and drafted orders on a habeas petition and a procedural due process claim.
- Observed proceedings in civil and criminal matters, including status conferences, motions hearings, and Rule 11 plea and sentencing hearings.

Senator Jeanne Shaheen (NH), Washington, DC

Foreign Policy Legislative Assistant, July 2013–July 2018

- Advanced Senator Shaheen's foreign policy initiatives by building and leveraging relationships with my counterparts at the Senate Foreign Relations Committee, the State Department, non-governmental organizations, foreign embassies, and multilateral institutions.
- Translated Senator Shaheen's broad foreign policy priorities into actionable legislative proposals, including to promote the role of women in peacebuilding, to curtail U.S. military involvement in Yemen, to encourage free enterprise in Bosnia and Herzegovina, as well as to support secondary education for adolescent girls around the world.
- Submitted an average of five policy memoranda to Senator Shaheen each week.
- Led negotiations with four Congressional offices and the House and Senate Foreign Relations Committees to secure passage of the Women, Peace and Security Act.
- Traveled on Congressional staff delegations to Poland, Estonia, Latvia, Saudi Arabia, Qatar, India, Taiwan, Liberia, and Cote D'Ivoire.
- Granted a Top Secret security clearance.

William M. Scheffer

01/20/2022

Beginning of Law Record

2019 Fall				
School:		School of Law		
Major:		Law		
LAW	6000	Civil Procedure	B+	4.0
LAW	6002	Contracts	A	4.0
LAW	6003	Criminal Law	A-	3.0
LAW	6004	Legal Research and Writing I	S	1.0
LAW	6007	Torts	B+	4.0

2020 January				
School:		School of Law		
Major:		Law		
LAW	7600	Admiralty (SC)	A	1.0

2020 Spring				
School:		School of Law		
Major:		Law		
LAW	6001	Constitutional Law	CR	4.0
LAW	6005	Lgl Research & Writing II (YR)	S	2.0
LAW	6006	Property	CR	4.0
LAW	6104	Evidence	CR	4.0
LAW	7071	Professional Responsibility	CR	2.0

2020 Fall				
School:		School of Law		
Major:		Law		
LAW	7009	Criminal Procedure Survey	A-	4.0
LAW	7051	Internatl Business Transactns	A-	3.0
LAW	8659	Drug Prod Liability Litigtn: P&P	B+	3.0
LAW	9324	Law, Inequality & Educ Reform	A-	3.0

2021 Spring				
School:		School of Law		
Major:		Law		
LAW	6103	Corporations	A-	4.0
LAW	6106	Federal Income Tax	A-	4.0
LAW	7827	Global Bus & Corruption (SC)	B+	1.0
LAW	8000	Advanced Legal Research	B+	2.0
LAW	8810	Directed Research	CR	1.0
LAW	8843	Directed Research	CR	2.0

2021 Fall				
School:		School of Law		
Major:		Law		
LAW	8003	Civil Rights Litigation	A-	3.0
LAW	8622	Prosecution Clinic (YR)	CR	4.0
LAW	9081	Trial Advocacy	A-	3.0
LAW	9089	Seminar in Ethical Values (YR)	YR	0.0
LAW	9308	Liberalism and Its Critics	A-	3.0

2022 January				
School:		School of Law		
Major:		Law		
LAW	7797	Econ Stcraft& Pub Int Law (SC)		1.0

2022 Spring				
School:		School of Law		
Major:		Law		
LAW	6105	Federal Courts		4.0
LAW	7160	Computer Crime		3.0
LAW	8623	Prosecution Clinic (YR)		4.0
LAW	9090	Seminar in Ethical Values (YR)		1.0

End of Law School Record



Transcripts, Certification and Diploma Department

1210 LSA Building
500 S. State Street
Ann Arbor, MI 48109-1382
Phone: 734-763-9066 Fax: 734-764-5556
ro.umich.edu

University of Michigan Statement of Authenticity

Transcript of: William Matheson Scheffer

This official transcript has been transmitted electronically to the recipient, and is intended solely for use by that recipient. If you are not the intended recipient, please notify the Transcripts, Certification and Diploma Department at the University of Michigan. It is not permissible to replicate this document or forward it to any person or organization other than the identified recipient. Release of this record or disclosure of its contents to any third party without written consent of the record owner is prohibited.

This official transcript has been digitally signed and therefore contains special characteristics. If this document has been issued by the University of Michigan, and for optimal results, we recommend that this document is viewed with the latest version of Adobe® Acrobat or [Adobe® Reader](#); it will reveal a digital certificate that has been applied to the transcript. This digital certificate will appear in a pop-up screen or status bar on the document, display a blue ribbon, and declare that the document was certified by the University of Michigan with a valid certificate issued by GeoTrust CA for Adobe®. This document certification can be validated by clicking on the Signature Properties of the document.



The blue ribbon symbol is your assurance that the digital certificate is valid, the document is authentic, and the contents of the transcript have not been altered.



If the transcript is opened using Adobe Acrobat, and does not display a valid certification and signature message, reject this transcript immediately. An invalid digital certificate display means either the digital signature is not authentic, or the document has been altered. A document with an invalid digital signature display should be rejected.



Lastly, one other possible message, Author Unknown, can have two possible meanings: The certificate is a self-signed certificate or has been issued by an unknown or untrusted certificate authority and therefore has not been trusted, or the revocation check could not complete. If you receive this message make sure you are properly connected to the internet. If you have a connection and you still cannot validate the digital certificate on-line, reject this document.

The transcript key and guide to transcript evaluation is the last page of this document.

The current version of Adobe® Reader is free of charge, and available for immediate download at <http://www.adobe.com>.

If you require further information regarding the authenticity of this transcript, you may email or call the Transcripts, Certification and Diploma Department at the University of Michigan at ro.transcript.orders@umich.edu or 734-763-9066.

Academic Transcript of: SCHEFFER, WILLIAM MATHESON
STUDENT NAME

34305495

STUDENT ID NUMBER

E173897001-1

CONTROL NUMBER

12-Dec-2019

DATE ISSUED

Page 1

1216620519

STATE OF MICHIGAN UIC

UNIVERSITY OF MICHIGAN

OFFICE OF THE REGISTRAR - ANN ARBOR, MI 48109-1382



University Registrar

UNIVERSITY OF MICHIGAN DEGREES AWARDED

Fall 2010

Undergraduate LS & A

Grade

Hours

MSH

CTP

MHP

ANTHRCL 101

Intro Anthro

A-

4.00

4.00

4.00

14.80

ASIANLAN 301

3rd Yr Chinese I

A-

5.00

5.00

5.00

18.50

MATH 147

Int Theory

C

3.00

3.00

3.00

6.00

POLSCI 140

Int Compar Pol

B+

4.00

4.00

4.00

13.20

Term Total

GPA: 3.281

16.00

16.00

16.00

52.50

Winter 2011

Undergraduate LS & A

Grade

Hours

MSH

CTP

MHP

ASIANLAN 309

Media Chinese I

A-

4.00

4.00

4.00

14.80

ECON 102

Principle Econ II

B

4.00

4.00

4.00

12.00

POLSCI 101

Intro Pol Thry

A

4.00

4.00

4.00

16.00

POLSCI 339

Evol Communism

A-

4.00

4.00

4.00

14.80

Term Total

GPA: 3.600

16.00

16.00

16.00

57.60

Undergraduate LS & A

Cumulative Total

GPA: 3.197

68.00

69.00

217.40

Transfer Course Credit Accepted towards

MSH

CTP

MHP

Undergraduate Public Policy

68.00

69.00

217.40

Fall 2011

Undergraduate Public Policy

Grade

Hours

MSH

CTP

MHP

ENVIRON 110

Int Global Change I

A+

4.00

4.00

4.00

16.00

PUBPOL 320

Politics & Pub Pol

A-

4.00

4.00

4.00

14.80

PUBPOL 330

Microeconomics

A-

4.00

4.00

4.00

14.80

PUBPOL 495

Policy Seminar

A+

4.00

4.00

4.00

16.00

Apology, Reconciliation, Repair

Term Total

GPA: 3.850

16.00

16.00

16.00

61.60

Summer 2009

Undergraduate LS & A

Grade

Hours

MSH

CTP

MHP

ECON 101

Principle Econ I

B

3.00

3.00

3.00

9.00

PSYCH 111

Intro Psych

B+

4.00

4.00

4.00

13.20

Term Total

GPA: 3.171

7.00

7.00

7.00

22.20

Fall 2009

Undergraduate LS & A

Grade

Hours

MSH

CTP

MHP

ASIANLAN 201

2nd Yr Chinese I

B

5.00

5.00

5.00

15.00

CLCIV 101

Anc Grk Wrld

B

4.00

4.00

4.00

12.00

Honors

HISTORY 241

Amer&MidEast Wars

B

4.00

4.00

4.00

12.00

MATH 105

Dat,Fcns,Gph

B

4.00

4.00

4.00

12.00

Term Total

GPA: 3.000

17.00

17.00

17.00

51.00

Winter 2010

Undergraduate LS & A

Grade

Hours

MSH

CTP

MHP

ASIANLAN 202

2nd Yr Chinese II

B

5.00

5.00

5.00

15.00

ENGR 407

Dist Innv Spkr Serie

P

1.00

0.00

1.00

0.00

Distinguished Innovator Speake

MATH 115

Calculus I

C

4.00

4.00

4.00

8.00

UC 151

First-Yr Soc Sci Sem

A-

3.00

3.00

3.00

11.10

Why Grandpa Went to War

Term Total

GPA: 2.841

13.00

12.00

13.00

34.10

Continued next page >

YOU, YOUR AGENTS, OR EMPLOYEES WILL NOT PERMIT ANY OTHER PARTY ACCESS TO THIS RECORD WITHOUT CONSENT OF THE STUDENT
 IN ACCORDANCE WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974.
 ANY ALTERATION OR MODIFICATION OF THIS RECORD OR ANY COPY THEREOF MAY CONSTITUTE A FELONY AND/OR LEAD TO STUDENT DISCIPLINARY SANCTIONS.

This Transcript is printed on security paper with a blue background
 and the seal of the University of Michigan. A raised seal is not required.

A BLACK AND WHITE TRANSCRIPT
 IS NOT AN ORIGINAL

Academic Transcript of: SCHEFFER, WILLIAM MATHESON
STUDENT NAME

34305495

STUDENT ID NUMBER

E173897001-1

CONTROL NUMBER

12-Dec-2019

DATE ISSUED

Page 2

1216620519

STATE OF MICHIGAN UIC

UNIVERSITY OF MICHIGAN

OFFICE OF THE REGISTRAR - ANN ARBOR, MI 48109-1382



Paul R. Johnson
University Registrar

Winter 2012	Undergraduate Public Policy	Grade	Hours	MSH	CTP	MHP	UNDERGRADUATE REMARKS
POLSCI 392	MIW Prep Seminar	CR	2.00	0.00	2.00	0.00	28-Apr-2011 University Honors
POLSCI 393	Inside Washington DC	CR	1.00	0.00	1.00	0.00	22-Dec-2011 University Honors
POLSCI 398	Wash Internship	CR	2.00	0.00	2.00	0.00	20-Dec-2012 University Honors
POLSCI 411	Nat Capital Research	A	4.00	4.00	4.00	16.00	
POLSCI 492	Direct Studies	W	3.00	0.00	0.00	0.00	
THREMU 399	Topics in Drama	A	3.00	3.00	3.00	12.00	
	Theatre in Politics						
Term Total	GPA: 4.000		15.00	7.00	12.00	28.00	End of Transcript
							Total Number of Pages 2

Fall 2012	Undergraduate Public Policy	Grade	Hours	MSH	CTP	MHP	
ASIAN 325	Zen Buddhism	A	4.00	4.00	4.00	16.00	
PUBPOL 422	Cong&State Legis	A	4.00	4.00	4.00	16.00	
PUBPOL 495	Policy Seminar	A+	4.00	4.00	4.00	16.00	
	International Security						
STATS 250	Intr Stat&Data Anlys	B+	4.00	4.00	4.00	13.20	
Term Total	GPA: 3.825		16.00	16.00	16.00	61.20	

Winter 2013	Undergraduate Public Policy	Grade	Hours	MSH	CTP	MHP	
ASIAN 257	Great Cities in Asia	A	4.00	4.00	4.00	16.00	
ASIAN 366	China Controversies	A	3.00	3.00	3.00	12.00	
BIOLOGY 118	AIDS	A	3.00	3.00	3.00	12.00	
PUBPOL 481	Sci, Tech & Pub Pol	A	3.00	3.00	3.00	12.00	
	Beyond Sputnik: National Science						
	Policy 21st C						
Term Total	GPA: 4.000		13.00	13.00	13.00	52.00	

Undergraduate Public Policy							
Cumulative Total	GPA: 3.501		120.00	126.00	420.20		

YOU, YOUR AGENTS, OR EMPLOYEES WILL NOT PERMIT ANY OTHER PARTY ACCESS TO THIS RECORD WITHOUT CONSENT OF THE STUDENT
IN ACCORDANCE WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974.
ANY ALTERATION OR MODIFICATION OF THIS RECORD OR ANY COPY THEREOF MAY CONSTITUTE A FELONY AND/OR LEAD TO STUDENT DISCIPLINARY SANCTIONS.

This Transcript is printed on security paper with a blue background
and the seal of the University of Michigan. A raised seal is not required.

A BLACK AND WHITE TRANSCRIPT
IS NOT AN ORIGINAL

TRANSCRIPT GUIDE

DEFINITION OF AN OFFICIAL TRANSCRIPT

An Official Transcript is one that has been received directly from the issuing institution. It must bear the University seal, date and signature of the registrar. Transcripts received that do not meet these requirements should not be considered official and should be routinely rejected for any permanent use. This definition of an official transcript has been endorsed by the Michigan Association of Collegiate Registrars and Admissions Officers.

ACCREDITATION

The three campuses of the University of Michigan are accredited by the North Central Association of Colleges and Schools - Higher Learning Commission. Many of the departments and programs within the University are also accredited by various agencies. Detailed information about these agencies and the accreditation process is available from the Dean's office of each academic unit.

CALENDAR

The University of Michigan operates under the trimester calendar. A unit of credit is a semester hour.

ELIGIBILITY FOR ENROLLMENT

Unless otherwise indicated, a student is eligible to enroll.

EXPLANATION OF COLUMN HEADINGS

HRS = Elected Hours/Units; MSH = GPA Semester Hours; CTP = Credit Toward Program; MHP = GPA Honor Points.

ABBREVIATIONS FOR CREDIT CONDITIONS

AGC = Approved for Graduate Credit; CBE = Credit by Exam; DCO = Degree Credit Only; NDC = Not for Undergraduate degree credit; NFC = Not for Credit; NGD = Not for Graduate Degree Credit; REP = Repetition.

STUDY ABROAD

Study abroad credit is considered upper level unless otherwise noted.

LETTER GRADES

9.0 GRADING SCALE (A+ through B = Pass unless otherwise noted)

A+ = 9.0; A = 8.0; A- = 7.0; B+ = 6.0; B = 5.0; B- = 4.0; C+ = 3.0; C = 2.0; C- = 1.0; D+ = 0.0; D = 0.0; D- = 0.0; E = 0.0.

4.4 GRADING SCALE

A+ = 4.4; A = 4.0; A- = 3.7; B+ = 3.4; B = 3.0; B- = 2.7; C+ = 2.4; C = 2.0; C- = 1.7; D+ = 1.4; D = 1.0; D- = 0.7; E = 0.0.

4.3 GRADING SCALE

A+ = 4.3; A = 4.0; A- = 3.7; B+ = 3.3; B = 3.0; B- = 2.7; C+ = 2.3; C = 2.0; C- = 1.7; D+ = 1.3; D = 1.0; D- = 0.7; E = 0.0.

4.0 GRADING SCALE

A+ = 4.0; A = 4.0; A- = 3.7; B+ = 3.3; B = 3.0; B- = 2.7; C+ = 2.3; C = 2.0; C- = 1.7; D+ = 1.3; D = 1.0; D- = 0.7; E = 0.0.

ADDITIONAL GRADES

EX = EXCELLENT; GD = GOOD; PS = PASS; LP = LOW PASS; F = FAIL (EX, GD, PS and LP = Pass)

CR = Credit; NC = No credit; S = Satisfactory; U = Unsatisfactory; P = Pass; F = Fail;

I = Incomplete (I OR IL followed by a letter grade indicates an initial incomplete that has been given a final grade.); NR = No grade reported;

= Grade not submitted; ED = Unofficial drop; VI = Audit or Visit; W = Withdrew from course; Y = Extended multi-term class

M = Marginal; IPL = Incomplete Permanent Lapse

COMPUTATIONS FOR TERM OR CUMULATIVE GPA: Term GPA = Term MHP/Term MSH; Cumulative GPA = Cumulative MHP/Cumulative MSH; Example: 42.0 MHP/12.0 MSH = 3.5 GPA.

JEANNE SHAHEEN
NEW HAMPSHIRE

SUITE SH-506
HART BUILDING
WASHINGTON, DC 20510
(202) 224-2841

United States Senate

WASHINGTON, DC 20510

September 1, 2021

Dear Judge:

I am writing in enthusiastic support of Will Scheffer's application to clerk in your chambers. Will is an outstanding candidate, and I am confident that he will excel as a judicial clerk, much as he excelled during the five years that he served as a member of my legislative staff.

After joining my staff in July 2013, Will progressively assumed more responsibility and was promoted from staff assistant to legislative assistant in a short period of time. Will's quick advancement in my office was due not only to his work ethic, but also to his dedication to identifying opportunities where he could assist me in advancing sound policy as a member of my legislative team.

Most recently, Will worked in my office as a legislative assistant for foreign policy. In this role, Will was responsible for supporting my work on the Senate Foreign Relations Committee and the Senate Appropriations Subcommittee on State, Foreign Operations and Related Programs. His responsibilities included ensuring that I was well-prepared for committee hearings and meetings with U.S. and foreign officials, analyzing legislation and executive-branch policy on foreign relations, and generating proposals for legislative initiatives that advanced my policy priorities. Every day, Will was called upon to analyze and synthesize complex information on foreign policy issues before the U.S. Senate. His ability to process complicated matters and brief me on them in a clear and concise way, often under a deadline or pressure, will serve him well as a law clerk.

During his tenure on my legislative staff, Will crafted a number of bills that tackled difficult global challenges by utilizing innovative policy prescriptions. For example, he played a central role in developing the Keeping Girls in School Act, a bill to help address the unique barriers that girls around the world face in attaining an education beyond primary school, which has been endorsed by more than 50 international non-governmental organizations and was passed by the House of Representatives. Will also helped me draft the Balkan Economic Partnership Act to support economic opportunity in Bosnia and Herzegovina, and the Hizballah International Financing Prevention Amendments Act, which further limited the ability of Hizballah to launder illicit funds through legitimate banks and was ultimately signed into law. His willingness to think creatively about potential policy solutions, along with his ability to weigh the necessary against the possible, was an asset as I worked to advance these and other pieces of legislation in Congress.

I put a premium on bipartisan cooperation, and Will has consistently demonstrated his ability to work with Republican offices, many times securing their support through extended negotiations to advance legislation. One example of Will's bipartisan work was his successful effort to help achieve Senate passage of the Women, Peace and Security Act. Thanks in part to the positive working relationships that Will cultivated with Republican Senate staff, I was able to introduce the Women, Peace and Security Act in early 2017 with a Republican cosponsor. This bipartisan support later proved critical during negotiations with the then-Republican chairman of the Senate Foreign Relations Committee, an effort that Will led on my behalf, which cleared the way for passage of the legislation by the full Senate, and ultimately by both chambers of Congress.

Additionally, Will was entrusted with a Top Secret security clearance so that he could represent my office in classified national security briefings with senior officials from the State Department, Defense Department and Intelligence Community. He also traveled on numerous Congressional delegation trips around the world and regularly conducted meetings with representatives of foreign governments, think tanks, international non-governmental organizations and constituent groups, many of whom praised Will for his helpfulness, professionalism and command of foreign policy issues.

In his time working in my office, Will made many significant contributions to my work as a member of the Senate and was simultaneously a pleasure to work with. I witnessed him grow personally and professionally while he was on my staff, and I know that he has continued to during his time in law school. I believe he is an eminently qualified candidate who will bring diverse policy experience to his future academic and professional endeavors. I wholeheartedly support his application to your chambers. Please do not hesitate to contact me if I can answer any further questions or provide additional support for Will's application.

Sincerely,

A

Jeanne Shaheen
United States Senator

April 12, 2022

The Honorable Lewis Liman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 701
New York, NY 10007-1312

Dear Judge Liman:

I am writing to recommend William Scheffer for a clerkship.

I taught Will in his second year of law school in my Criminal Procedure Survey course. The course provides an overview of Fourth, Fifth, Sixth, and Fourteenth Amendment doctrines that regulate criminal investigation and adjudication. Like clerking, the course requires reading cases carefully and applying them to new situations. Also, like clerking, the course moves very quickly and through large amounts of legal material. Will was an excellent student, and a pleasure to have in class. He was thoughtful, curious, and capable. His exam demonstrated both good analysis and solid writing, qualities I expect will help him as a clerk.

As his transcript suggests, Will's performance in my class was no fluke. He has done consistently well in law school, earning a 3.6 grade point average, despite the broken semesters, zoom lessons, and new constraints of the pandemic world. As his record at law school suggests, he is both adaptable and persistent.

The semester after he took criminal procedure, Will did research for me on the legal limits on Presidential executive orders for a project on executive influence on police reform. I found his work thorough and well presented, and I continue to rely on his memos a year later. Now, again, I have Will in a Seminar in Ethical Values, an informal 1-credit class that meets at my home. We are reading together recent books on criminal justices, and Will's preparation, sensitivity to his classmates' views, and positive nature shine through in this off-campus class.

Even beyond his academic preparation, Will is far readier to clerk than many of his peers. He worked as a judicial intern for a federal district court judge, honing his writing skills. Though he hardly needed it: he wrote extensively in his pre-law employment as a Senate legislative assistant. That work experience also gives Will a professional, mature, and calm demeanor. He is easy to like and impossible not to get along with. I have utter confidence that he will be a positive addition to any chambers.

As you can see, I am very positive about Will. I encourage you to hire him. Please let me know if I can be of further assistance.

Sincerely,

Rachel Harmon
Harrison Robertson Professor of Law
Class of 1957 Research Professor of Law
Director, Center for Criminal Justice

Rachel Harmon - rharmon@law.virginia.edu - (434) 924-7205

Note: I have received permission from Judge Talwani to use this memo as a writing sample for the purpose of applying to clerkships.

To: Judge Talwani
 From: William Scheffer
 Re: Plaintiff v. Individual Defendant et al., 19-cv-00000
 Date: July 13, 2020

Judge, you asked me to analyze the merits in Plaintiff v. Individual Defendant et al., 19-cv-00000, in light of the pending motion to dismiss filed by the defendants, setting aside the question of whether they are immune from suit. My analysis follows below.

Case Summary: Plaintiff is suing the Massachusetts [redacted office] and his former employer, the Massachusetts [redacted agency] (“State Defendants”), which he led for three years before he was fired. Plaintiff is also suing the then-secretary of [redacted office], who fired Plaintiff, in his individual capacity (“Individual Defendant”). To briefly summarize the factual allegations, Plaintiff claims that he was fired after raising concerns with Individual Defendant about certain [redacted agency] officers failing to report for duty while receiving pay, at the same time that the Massachusetts State Police was investigating overtime pay fraud by some of its own officers. Plaintiff also claims that he was retaliated against by Individual Defendant for refusing to “fix” a speeding ticket and refusing Individual Defendant’s request to use a law enforcement database to “look into” his new neighbor. Plaintiff was ultimately fired in 2018 over allegations by his employer that he “fixed” a ticket for an acquaintance in 2015, though he claims that the officer who actually voided the ticket provided a statement to internal [redacted agency] investigators stating that Plaintiff played no role in the matter.

Plaintiff makes four claims. Count One alleges a cause of action under § 1983 for constitutional violations by [redacted office], [redacted agency] and Individual Defendant, including interference with Plaintiff’s “right to free speech, right to continued employment, right to participate in concerted activity, right to Due Process, and the right to petition and seek redress from Governmental abuse.” Compl. ¶ 106 [#1]. Count Two claims that [redacted office] and [redacted agency] retaliated against Plaintiff as a whistleblower under Massachusetts law. *Id.* ¶ 111. Count Three claims that [redacted office], [redacted agency] and Individual Defendant violated the Massachusetts Civil Rights Act (MCRA) by threatening Plaintiff, *inter alia*, with criminal prosecution for ticket-fixing. *Id.* ¶ 115. Count Four claims that Plaintiff was wrongfully terminated “in Violation of Public Policy under Massachusetts law.” *Id.* ¶ 119. The State Defendants jointly, and Individual Defendant, individually, have filed motions to dismiss almost all of the claims against them.

To survive a Rule 12(b)(6) motion to dismiss, Plaintiff’s complaint must “state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). In reviewing a complaint under a motion to dismiss, a court “must distinguish ‘the complaint’s factual allegations (which must be accepted as true) from its conclusory legal allegations (which need not be credited).’” *Garcia-Catalan v. United States*, 734 F.3d 100, 103 (1st Cir. 2013) (quoting *Morales-Cruz v. Univ. of P.R.*, 676 F.3d 220, 224 (1st Cir. 2012)). The plausible factual

allegations, taken as true, must ultimately support the legal conclusion that underlies each claim in order to be granted relief. See Haley v. City of Boston, 657 F.3d 39, 46 (1st Cir. 2011).

Count One, § 1983 Claim: In their memorandums in support of their Motions to Dismiss [#19], [#21], Defendants devote most of their energy to addressing Plaintiff's claim that they violated his free speech rights and thus are liable under § 1983. They dispose of his claimed "right to continued employment" by asserting that Plaintiff was an "at will" employee, per the statute authorizing his former position in the [redacted agency]. See Individual Defendant Mem. 4 [#1] (quoting Mass. Gen. Laws ch. 21A, § 10A: "The secretary [of the redacted office] shall appoint the director [of law enforcement] and may remove him."). Defendants summarily dispose of Plaintiff's other claimed rights (concerted activity, due process, and petitioning the government) by asserting that Plaintiff offers no facts in support of those specific allegations. *Id.* at 3–4. In his briefings, Plaintiff exclusively contests Defendants' arguments relating to the alleged First Amendment violation, and his complaint makes only conclusory allegations regarding the other claimed constitutional violations. See Plaintiff Oppo. 20–23 [#30]; see also Compl. ¶ 74–90 [#1]. Because Plaintiff has not alleged facts to substantiate the claimed constitutional violations, aside from the alleged First Amendment violation, the court may dismiss each of the other claims as an initial matter.

In rebutting the First Amendment claim, Defendants assert that Plaintiff's speech was not protected because Plaintiff was speaking in his capacity as a government official about management issues when he raised his concerns about other [redacted agency] employees, rather than as a private citizen regarding matters of public concern. Gov. Mem. 9 [#19]. Defendants point to the Supreme Court's ruling in Garcetti v. Ceballos, 547 U.S. 410 (2006), which held that a district attorney's written memorandum advising their supervisor about how to proceed in a prosecution was not protected speech and that, therefore, the employer was free to terminate the employee on the basis of their speech. The Court in Garcetti reasoned that "[w]hen a citizen enters government service . . . [they] must accept certain limitations on [their] freedom" as "without it, there would be little chance for the efficient provision of public services." *Id.* at 418. Thus, a government employee's speech is protected only when "employees speak as citizens on matters of public concern." *Id.* at 420.

Three-Part Test For Speech By Government Employees:

Following Garcetti, the First Circuit has employed a three-part test to determine "whether an adverse employment action against a public employee violates his First Amendment rights: (1) that he spoke as a citizen on a matter of public concern, (2) that his interest in commenting on these matters outweighed the defendant's interest in the efficient performance of its public service, and (3) that the protected expression was a substantial or motivating factor in the adverse employment action." Pomponio v. Town of Ashland, No. 15-cv-10253, 2016 WL 471285, at *4 (D. Mass. Feb. 5, 2016) (citing Decotiis v. Whittemore, 635 F.3d 22, 29 (1st Cir. 2011)).

The easiest question to resolve is whether Plaintiff was speaking "on a matter of public concern", per the first prong of the test, when he sought to call attention to potential wrongdoing by [redacted office] and [redacted agency] officials. In Curran v. Cousins, the First Circuit held that certain subjects of public employee speech are inherently "of public concern . . . includ[ing] official malfeasance, abuse of office, and neglect of duties." 509 F.3d 36, 46 (1st Cir. 2007).

Plaintiff, in alleging specific facts regarding both neglect of duties by certain [redacted agency] officers and abuse of office by Individual Defendant, has met his burden on this question.

The next question to address under the first prong of the Decotiis test is whether Plaintiff was speaking “as a citizen” when he raised the issues that he alleges led to his firing. See 635 F.3d at 29. In Pomponio, you held that to determine whether a government employee is speaking as a private citizen, “[T]he critical question is whether the speech at issue is itself ordinarily within the scope of an employee’s duties, not whether it merely concerns those duties.” 2016 WL 471285 at *5 (citing Lane v. Franks, 573 U.S. 228, 240 (2014)); see also Lane, 573 U.S. at 240 (“[T]he mere fact that a citizen’s speech concerns information acquired by virtue of his public employment does not transform that speech into employee . . . speech.”). This case presents a difficult set of facts because Plaintiff was the head of the [redacted agency] at the time of his speech and subsequent firing. Thus, there is seemingly little that would not “ordinarily” be within the scope of his duties, transforming most or all of his speech relating to his employment into non-citizen speech. One could argue, though, that Plaintiff “ordinarily” would not have been responsible for exposing potential abuses of power and neglect of duty in his role, since such activity can inherently only occur when something is out of the ordinary. Under such a theory, Plaintiff spoke “as a citizen” specifically regarding those issues (to be clear, Plaintiff himself does not make this argument).

As referenced by both parties, the First Circuit in Decotiis examined the caselaw regarding this specific question and compiled a list of “non-exclusive factors” that the court believes are “instructive” as to whether a government employee’s speech was within the scope of their duties: whether the employee was commissioned or paid to make the speech in question, the subject matter of the speech, whether the speech was made up the chain of command, whether the employee spoke at her place of employment, whether the speech gave objective observers the impression that the employee represented the employer when she spoke, whether the employee’s speech derived from special knowledge obtained during the course of her employment, and whether there is a so-called citizen analogue to the speech. See, e.g., Individual Defendant Mem. 6 [#21] (quoting Decotiis, 635 F.3d at 32).

When applied to the case at bar, each of these factors weigh against Plaintiff’s contention that he was speaking as a private citizen when he reported his concerns, knowledge of which he gained by virtue of his position as the head of [redacted agency], to Individual Defendant, his superior, and other [redacted agency] employees in the legal and human resources offices. See Individual Defendant Mem. 7 [#21] (applying the Decotiis factors to show that Plaintiff was speaking in the course of his duties and not as a private citizen); but see Plaintiff Oppo. 15–16 [#30–1] (applying some, but not all, of the Decotiis factors to show that Plaintiff was speaking as a citizen). It is also true that Plaintiff himself affirmed in his complaint that he had “the managerial authority, *indeed the responsibility*, to investigate these employment issues,” suggesting that he viewed his actions as pursuant to his role as head of the [redacted agency], rather than as a private citizen. Compl. ¶ 71 [#1] (emphasis added). I would not give this as much weight as Defendants did in their briefings, though, as the Decotiis inquiry is an objective one that depends only on what an individual’s responsibilities actually are, not what they feel them to be.

Ultimately, the Decotiis factors are meant to help establish where the balance lies in a given case between protecting government functions on the one hand and protecting legitimate discourse by government employees on the other. See 635 F.3d at 32. In Garcetti, the Supreme Court explained that some speech by government employees ought not to be protected because they “can express views that contravene governmental policies or impair the proper performance of governmental functions . . .” 547 U.S. 410, 419 (2006). Yet, the Court has also gone to great pains to emphasize the importance of speech by government employees about certain topics of public interest, particularly when that employee might be better informed on those topics in comparison to the average citizen. See Pickering v. Board of Education, 391 U.S. 563, 572 (1968) (protecting the speech of a schoolteacher who was fired for publicly voicing his opinion regarding school district budget decisions). The Court has similarly asserted that “Were [public employees] not able to speak on [the operation of their employers], the community would be deprived of informed opinions on important public issues. The interest at stake is as much the public's interest in receiving informed opinion as it is the employee's own right to disseminate it.” San Diego v. Roe, 543 U.S. 77, 82 (2004).

Crucially, however, this case does not involve speech made *in public*. Rather, Plaintiff reported his concerns up the chain of command and did not seek to publicize his concerns. Thus, the Court’s concerns about stifling public debate are not implicated in this case to the same degree as in other cases where the employee sought to publicize their concerns about proper government functions. Given that all of the factors cited by the First Circuit in Decotiis suggest that the context for Plaintiff’s speech was that of an employee, rather than that of a citizen, and particularly that this context does not implicate the Supreme Court’s concerns regarding speech by employees to inform public debate, the Plaintiff has not shown that his speech is deserving of First Amendment protection.

Notably, although Defendants have spent considerable effort characterizing Plaintiff’s speech and describing the context in which it was made, they have not addressed the fundamental question of how his speech “impair[ed] the proper performance of government functions” and thus is undeserving of First Amendment protection,¹ nor did they rebut Plaintiff’s allegation that his speech was a substantial factor in his firing. In fact, drawing attention to potential waste, abuse of office and neglect of duty would have only improved the performance of governmental functions in the [redacted agency]. And, Plaintiff convincingly refers to the contemporaneous public scandal involving overtime fraud in the ranks of the Massachusetts State Police to explain his motivation for raising this issue of public concern as a citizen. Compl. ¶ 82 [#1].

Although the subject-matter of his speech is clearly a matter of public concern, and although the State Defendants failed to articulate an overriding governmental interest in “the efficient performance of its public service” that would trump his First Amendment claim, Plaintiff has not made a sufficient showing at this stage of the litigation that he was speaking as a citizen under the first prong of the Decotiis test and was, therefore, entitled to First Amendment protection. That claim against State and Individual Defendants should be dismissed.

¹ To be clear, although the government-employer “need not show an actual adverse effect in order to terminate an employee under the Garcetti/Pickering test,” Curran v. Cousins, 509 F.3d 36, 49 (1st Cir. 2007), in this case, Defendants would be hard pressed to show even the required *potential* threat posed by Plaintiff’s speech.

Count Two, Whistleblower Claim: Count Two claims that [redacted office] and [redacted agency] retaliated against Plaintiff by firing him for calling attention to and refusing to participate in what Plaintiff perceived to be ongoing violations of law, in violation of the Massachusetts whistleblower statute. Compl. at ¶ 111 [#1] (citing Mass. Gen. Laws ch. 149, § 185). In response, State Defendants construe Plaintiff's complaints about potential violations of law as failures of [redacted office] and [redacted agency] officials to adopt Plaintiff's views on "management practices." See Gov. Mem. 14 [#19] (referring to the non-illegality of "a lack of response from management" and "failure of a human resources department to investigate"). But this misrepresents Plaintiff's claim. He alleges that the underlying abuse of office and neglect of duty was itself illegal, not that the State Defendants' failure to respond was illegal, and that he was fired when he sought to call attention to this illegal activity.

The next issue raised by State Defendants on their motion to dismiss is that Plaintiff hasn't demonstrated his reasonable belief that the activity he reported was actually illegal. See *id.* However, Plaintiff cites the concurrent investigation into overtime abuse by Massachusetts State Police officers to show that he had reason to believe that similar issues in the [redacted agency] could amount to criminal activity. Plaintiff Oppo. 22 [#30]. He also reasonably cites his long tenure as a law enforcement officer as the basis for knowing that entreaties from other government officials to use his position to fix tickets or conduct unauthorized searches of a law enforcement database was illegal. *Id.* Another argument advanced by the State Defendants is that the Massachusetts whistleblower law required Plaintiff to provide written notice of his concerns to his supervisor. Gov. Mem. 11 [#19]. That argument is clearly wrong; the plain language of the statute shows that the written notice requirement only applies to a whistleblower who "makes a disclosure to a *public body*." Mass. Gen. Laws ch. 149, § 185(c)(1); see also Plaintiff Oppo. 23–25 [#30].

Although Plaintiff successfully rebuts the State Defendants' arguments as represented above, he does not address State Defendants' argument that he has not adequately alleged a connection between his firing in 2018 and his whistleblowing activities. Gov. Mem. 14 [#19]. Recall, the alleged pretextual reason provided by State Defendants for Plaintiff's firing was that he inappropriately fixed a ticket. State Defendants, though, do not concede that he was fired for any whistleblowing speech: "Even if these allegations [against State Defendants] are generously construed to allege illegal activity, or activity that Plaintiff reasonably perceived to be illegal, his claim under the Whistleblower Act should still be dismissed because it is implausible that actions in April 2015 and 2016 led to his eventual termination in October 2018." *Id.* Although this argument does seem convincing on its face, it ignores the fact that Plaintiff has alleged his firing was based on both the actions by Individual Defendant in 2015 and 2016 *and* his complaints regarding [agency] officers who were absent from duty—which occurred in 2017 and 2018, close in time to his firing in 2018.

Because Plaintiff has alleged facts which plausibly color his claim that he was retaliated against as a whistleblower by State Defendants, and because State Defendants have not pointed out any legal deficiency in his claim, it should survive a motion to dismiss.

Count Three, Massachusetts Civil Rights Act (MCRA) Claim: Plaintiff asserts that Defendants violated the MCRA by retaliating against him for "speaking out on concerns

regarding possible misconduct by state officials” and “threatening him with criminal prosecution and an unwarranted investigation of a matter that occurred three years prior [to the investigation].” Plaintiff Oppo. 26–27 [#30-1]. As Plaintiff notes, “To establish a claim under the MCRA, ‘a plaintiff must prove that (1) the exercise or enjoyment of some constitutional or statutory right; (2) has been interfered with, or attempted to be interfered with; and (3) such interference was by threats, intimidation, or coercion.’” Plaintiff Oppo. 26 [#30] (quoting Currier v. Nat’l Bd. Of Med. Exam’rs, 965 N.E.2d 829, 837–38 (Mass. 2012)).

The State Defendants’ defense to the MCRA claim is that Plaintiff has waived his right to sue under the MCRA by making a claim under the Massachusetts whistleblower law. Gov. Mem. 18 [#19] (“The institution of a statutory whistleblower action is deemed a waiver by the plaintiff of the rights and remedies available to him, for the actions of the employer, under any other contract, collective bargaining agreement, state law rule or regulation, or under the common law.” (citing Mass. Gen. Laws. ch. 149, § 185(f)). Plaintiff concedes that State Defendants’ assertion “may or may not be accurate” but that “the unique facts of this case combined with the uncertain status of the law render a forced election at this stage unjust and unfair.” Plaintiff Oppo. 29 [#30-1]. Plaintiff also refers to a “savings clause” within § 185(f), which reads “nothing in this section shall be deemed to diminish the rights, privileges or remedies of any employee under any other state or federal law or regulation or under any collective bargaining agreement or employment contract.” Id. However, the Massachusetts trial court opinion cited by State Defendants on this issue provides a useful explanation of § 185(f):

[W]hile [§ 185(f)] is surely meant to preserve a plaintiff’s right to elect remedies, the decision point for such election is *before* plaintiff commences an action under the Whistleblower Act and not after such action has been tried to verdict. The text plaintiff cites in Section 185(f) preserves an employee’s right to choose between Whistleblower Act and other legal remedies by making clear that the statute was not meant to *preempt* all other statutory and common law causes of action.

...

But the fact that the Whistleblower Act does not preempt other statutory and common law retaliation claims does *not* mean that all of these claims may be brought concurrently. Plaintiff does have a choice of remedies, and is free to litigate statutory and common law theories of retaliation *other* than pursuant to the Whistleblower Act. Once she elects to pursue a Whistleblower Act remedy by “instituting” a claim under this statute, however, that election has been made and operates from that point forward as a waiver of all other claims resting upon the same underlying grounds.

Gov. Reply 9 [#35] (citing Fitzgerald v. Commonwealth, 2015 WL 924984, at *2–4 (Mass. Super. Mar. 3, 2015) (also listing cases in support of the contention that the waiver provision is meant to prevent multiple collection of damages for the same conduct)).

Plaintiff counters that his whistleblower claim should be allowed to proceed, along with his other claims, as an “alternative” pleading, comparing this case to a contract dispute in which a plaintiff pleads alternate theories of breach. Plaintiff Oppo. 29 [#30-1]. The court in Fitzgerald rejected the very same argument made by the plaintiff in that case. 2015 WL 924984, at *3. Although Plaintiff is likely correct that the “[w]histleblower statute was obviously designed to broaden

protection to vulnerable workers,” Plaintiff Oppo. 29 [#30-1], it does so by providing whistleblowers with enhanced remedies, rather than a duplicative means of recovery. See Mass. Gen. Laws ch. 149, § 185(f). Thus, as Plaintiff has initiated a whistleblower claim against State Defendants, the other state common law and statutory claims against those same Defendants should be dismissed according to § 185(f).

Notably, Plaintiff does not name Individual Defendant in the Massachusetts whistleblower count, and thus the waiver of claims provision does not preclude any of the statutory or common law claims directed at him, including the MCRA claim. Because Plaintiff has alleged sufficient facts regarding the nature of his firing to overcome a motion to dismiss on that claim, and because Individual Defendant’s only attack on Plaintiff’s claim is that “there are no well-pled facts in the Complaint as to how [Individual Defendant] threatened, intimidated, or coerced [Plaintiff]”, that claim should proceed to discovery. Individual Defendant Mem. 11 [#21].

Count Four, Wrongful Termination Claim: Plaintiff claims he was wrongfully terminated “in Violation of Public Policy under Massachusetts law” and specifically alleges a common law tort for wrongful termination against Individual and State Defendants. Compl. ¶ 119. State Defendants move to dismiss for two reasons: (1) Because the Massachusetts Tort Claim Act (MTCA) provides absolute immunity to the Commonwealth for intentional torts, and (2) because the whistleblower claim waives his right to bring a common law tort claim. Gov. Mem. 18 [#19].

Regarding their first defense, in order for the MCTA to confer immunity, it must be true that wrongful termination is recognized as an intentional tort in Massachusetts. Although State Defendants assert that it is, they cite only to one Massachusetts case in which the court recognized wrongful termination as a tort—but not an intentional tort—under state law. Id. (citing Ryan v. Holie Donut, Inc., 977 N.E.2d 64, 67 (Mass. App. Ct. 2012)). I could not find any caselaw to support the contention that Massachusetts considers wrongful termination to be an intentional tort, and Plaintiff did not brief on this issue.

Regardless, as determined above, because Plaintiff has brought a whistleblower complaint against State Defendants, his common law claim for wrongful termination against them must be dismissed. See supra Discussion of Count Three; see also Mass. Gen. Laws ch. 149, § 185. However, Individual Defendant, who is not named in the whistleblower count, has not moved for dismissal of this claim against him, and therefore it should be allowed to proceed to discovery.

Applicant Details

First Name	Sahar
Last Name	Segal
Citizenship Status	U. S. Citizen
Email Address	saharsegal@uchicago.edu
Address	<div> <div>Address</div> <div> <div>Street</div> <div>702 W. Gordon Ter., Apt 3A</div> <div>City</div> <div>Chicago</div> <div>State/Territory</div> <div>Illinois</div> <div>Zip</div> <div>60613</div> <div>Country</div> <div>United States</div> </div> </div>
Contact Phone Number	8477570762

Applicant Education

BA/BS From	Yale University
Date of BA/BS	June 2013
JD/LLB From	The University of Chicago Law School
	https://www.law.uchicago.edu/
Date of JD/LLB	June 13, 2020
Class Rank	School does not rank
Law Review/Journal	Yes
Journal(s)	Chicago Journal of International Law
Moot Court Experience	No

Bar Admission

Admission(s)	Illinois
--------------	----------

Prior Judicial Experience

Judicial Internships/ Externships	No
Post-graduate Judicial Law Clerk	No

Specialized Work Experience

Recommenders

Ben-Shahar, Omri
omri@uchicago.edu
773-702-9494

Strahilevitz, Lior
lior@uchicago.edu
773-834-8665

Smith, Charles
charles.smith@skadden.com
847-323-0577

This applicant has certified that all data entered in this profile and any application documents are true and correct.

SAHAR SEGAL

702 W. Gordon Terrace #3A ♦ Chicago, IL 60613 ♦ (847) 757-0762 ♦ sahar.s.segal@gmail.com

April 18, 2022

The Honorable Lewis J. Liman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Dear Judge Liman:

I am a second-year litigation associate at Skadden, Arps, Slate, Meagher & Flom LLP and 2020 graduate of the University of Chicago Law School writing to apply for a clerkship in your chambers for the 2024-2025 term. As a native of New York City, I am particularly interested in clerking in the Southern District of New York.

A resume, transcript, and writing sample are enclosed. Letters of recommendation will arrive under separate cover from Omri Ben-Shahar, Charles Smith, and Lior Strahilevitz. In addition, you may contact the following professional reference:

Daniel Scime
Associate, Litigation
Skadden, Arps, Slate, Meagher
& Flom LLP
djscime@gmail.com
(716) 310-7089

Thank you for your time and consideration. Please let me know if you require additional information.

Sincerely,



Sahar Segal

SAHAR SEGAL

702 W. Gordon Terrace #3A ♦ Chicago, IL 60613 ♦ (847) 757-0762 ♦ sahar.s.segal@gmail.com

EDUCATION

The University of Chicago Law School, Chicago, IL

J.D., with Honors, June 2020

JOURNAL: Staffer, *The Chicago Journal of International Law*

ACTIVITIES: Treasurer, American Constitution Society; President, Jewish Law Students Association

The Hebrew University of Jerusalem, Jerusalem, Israel

M.A. with Thesis in Talmud and Jewish Law, December 2017

HONORS: Kaete Klausner Fellowship; Minchen Scholarship; Orenstein Scholarship; Polonski Award

Yale University, New Haven, CT

B.A. with Theses in Political Science and Religious Studies, May 2013

HONORS: Distinction in Political Science (Intensive); Distinction in Religious Studies; Thomas Barry Fellowship

PUBLICATIONS

Inside the Courts – An Update from Skadden Securities Litigators (Feb. 2022, Oct. 2021, June 2021, Mar. 2021)

A Growing Focus on Cybersecurity, Skadden Insights: Biden's First 100 Days (Apr. 20, 2021)

The International Right to Adequate Housing: An Economic Approach, Comment, 20 Chi. J. Int'l L. 486 (2020)

EXPERIENCE

Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates, Chicago, IL

Associate, Litigation, January 2021 – Present

Summer Associate, Summer 2019

- Identified and researched legal issues and drafted memoranda on federal securities laws, the Computer Fraud and Abuse Act, the TCPA, contract law, and common-law questions
- Drafted briefs, motions, answers, and discovery requests in securities litigation matters, a Seventh Circuit criminal appeal, a successful asylum application, and a contract dispute
- Analyzed documents, prepared interview outlines, conducted interviews, and summarized findings in corporate internal investigation
- Conducted research and drafted guideline for corporate FCPA risk assessment
- Led review of highly relevant produced documents for trial and identified documents for deposition preparation

Supreme Court of Israel, Jerusalem, Israel

Foreign Law Clerk, Justice Alex Stein, Summer 2019

- Performed comparative legal research and writing regarding U.S., Canadian, and U.K. law

The University of Chicago Law School, Chicago, IL

Research Assistant, Professor Omri Ben-Shahar, Fall 2019, Fall 2020

Research Assistant, Professor Geoffrey Stone, Summer 2018 – Spring 2019

Research Assistant, Professor Lior Strahilevitz, Summer 2018

- Conducted research for articles and Ben-Shahar's book *Personalized Law: Different Rules for Different People*
- Conducted legal research for Stone's book, *Democracy and Equality*, and edited and cite-checked drafts
- Analyzed statutes and regulations regarding data privacy and briefed cases for Strahilevitz's work

Jarrett Adams, PLLC, Chicago, IL

Legal Intern, Summer 2018 – Winter 2019

- Drafted motions and demand letters for civil litigation in federal court and conducted the requisite legal research

Epic Systems Corporation, Verona, WI

Project Manager, 2013 – 2014

- Managed implementation of hospital pharmacy software across a ten-hospital healthcare system

BAR ADMISSIONS

Illinois, 2021; Northern District of Illinois, 2021; United States Court of Appeals for the Seventh Circuit, 2022

INTERESTS: Long-distance backpacking, vegetarian cooking, hosting Friday night dinners, studying Talmud, yoga

How to Authenticate This Official PDF Transcript

This official PDF transcript has been transmitted electronically to the recipient, and is intended solely for use by that recipient. It is not permissible to replicate this document or forward it to any person or organization other than the identified recipient. Release of this record or disclosure of its contents to any third party without written consent of the record owner is prohibited.

This official transcript has been digitally signed and therefore contains special characteristics. This document will reveal a digital certificate that has been applied to the transcript, and for optimal results, we recommend that this document is viewed with the latest version of Adobe® Acrobat or Adobe® Reader. This digital certificate will appear in a pop-up screen or status bar on the document, display a blue ribbon, and declare that the document was certified by University of Chicago, with a valid certificate issued by GlobalSign CA for Adobe®. This document certification can be validated by clicking on the Signature Properties of the document.



The Blue Ribbon Symbol: The blue ribbon is your assurance that the digital certificate is valid, the document is authentic, and the contents of the transcript have not been altered.



Invalid: If the transcript does not display a valid certification and signature message, reject this transcript immediately. An invalid digital certificate display means either the digital signature is not authentic, or the document has been altered. The digital signature can also be revoked by the transcript office if there is cause, and digital signatures can expire. A document with an invalid digital signature display should be rejected.



Author Unknown: Lastly, one other possible message, Author Unknown, can have two possible meanings: The certificate is a self-signed certificate or has been issued by an unknown or untrusted certificate authority and therefore has not been trusted, or the revocation check could not complete. If you receive this message make sure you are properly connected to the internet. If you have a connection and you still cannot validate the digital certificate on-line, reject this document.

The current version of Adobe® Reader is free of charge, and available for immediate download at <http://www.adobe.com>.

ABOUT PARCHMENT: Parchment is an academic credential management company, specializing in delivery of official electronic credentials. As a trusted intermediary, all documents delivered via Parchment are verified and secure.

Learn more about Parchment at www.parchment.com



REJECT DOCUMENT IF SIGNATURE BELOW IS DISTORTED



THE UNIVERSITY OF
CHICAGO

Office of the University Registrar
Chicago, Illinois 60637

Name: Sahar Segal
Student ID: 12174976



Scott C. Campbell, University Registrar

University of Chicago Law School

Degrees Awarded

Degree: Doctor of Law
Confer Date: 06/13/2020
Degree GPA: 179.827
Degree Honors: With Honors
J.D. in Law

Academic Program History

Program: Law School
Start Quarter: Autumn 2017
Program Status: Completed Program
J.D. in Law

External Education

Yale University
New Haven, Connecticut
BA 2013

Hebrew University of Jerusalem
Jerusalem, Israel
Master of Arts 2018

		Winter 2018		
Course	Description	Attempted	Earned	Grade
LAWS 30311	Criminal Law Genevieve Lakier	3	3	179
LAWS 30411	Property Daniel Abebe	3	3	177
LAWS 30511	Contracts Eric Posner	3	3	180
LAWS 30611	Torts Saul Levmore	3	3	183
LAWS 30711	Legal Research and Writing Emma Kaufman	1	1	180

		Spring 2018		
Course	Description	Attempted	Earned	Grade
LAWS 30221	Civil Procedure II Anthony Casey	3	3	179
LAWS 30411	Property Lior Strahilevitz	3	3	177
LAWS 30511	Contracts Eric Posner	3	3	180
LAWS 30712	Lawyering: Brief Writing, Oral Advocacy and Transactional Skills Emma Kaufman	2	2	181
LAWS 43268	American Legal History: The Twentieth Century Laura Weinrib	3	3	176

Honors/Awards

The Chicago Journal of International Law, Staff Member 2018-2019

EP or EF (Emergency Pass/Emergency Fail) grades are awarded in response to a global health emergency beginning in March of 2020 that resulted in school-wide changes to instruction and/or academic policies.

Beginning of Law School Record

		Autumn 2017		
Course	Description	Attempted	Earned	Grade
LAWS 30101	Elements of the Law Geoffrey Stone	3	3	177
LAWS 30211	Civil Procedure I Emily Buss	3	3	180
LAWS 30311	Criminal Law Richard Mcadams	3	3	179
LAWS 30611	Torts Daniel Hemel	3	3	183
LAWS 30711	Legal Research and Writing Emma Kaufman	1	1	180

		Autumn 2018		
Course	Description	Attempted	Earned	Grade
LAWS 40101	Constitutional Law I: Governmental Structure William Baude	3	3	180
LAWS 42301	Business Organizations Elisabeth de Fontenay	3	3	182
LAWS 43208	Advanced Civil Procedure William Hubbard	3	3	180
LAWS 94130	The Chicago Journal of International Law Richard Mcadams	1	1	P

Date Issued: 07/01/2020

Page 1 of 2

KEY TO TRANSCRIPT ON FINAL PAGE

REJECT DOCUMENT IF SIGNATURE BELOW IS DISTORTED



Name: Sahar Segal
Student ID: 12174976



Scott C. Campbell, University Registrar

University of Chicago Law School

Winter 2019

Course	Description	Attempted	Earned	Grade
LAWS 40301	Constitutional Law III: Equal Protection and Substantive Due Process David A Strauss	3	3	179
LAWS 45701	Trademarks and Unfair Competition Omri Ben-Shahar	3	3	182
LAWS 50202	Constitutional Decisionmaking Meets Writing Project Requirement Designation: Geoffrey Stone	3	3	181
LAWS 53264	Advanced Legal Research Sheri Lewis	3	3	179
LAWS 94130	The Chicago Journal of International Law Richard McAdams	1	1	P

Spring 2019

Course	Description	Attempted	Earned	Grade
LAWS 41101	Federal Courts William Baude	3	3	175
LAWS 41601	Evidence Emily Buss	3	3	180
LAWS 53103	Ethical Quandaries in Legal Practice Sharon Fairley	3	3	179
LAWS 53354	Cybercrime William Ridgway Sean Driscoll	3	3	179
LAWS 94130	The Chicago Journal of International Law Meets Substantial Research Paper Requirement Designation: Richard McAdams	1	1	P

Autumn 2019

Course	Description	Attempted	Earned	Grade
LAWS 45801	Copyright Randal Picker	3	3	179
LAWS 53229	Cross-Border Transactions: Law, Strategy & Negotiations Tarek Sultani	1	1	181
LAWS 53263	Art Law William M Landes Anthony Hirschel	3	3	184
LAWS 53310	International Arbitration Javier Rubinstein	3	3	180

Winter 2020

Course	Description	Attempted	Earned	Grade
LAWS 43247	Legal Elements of Accounting John Sylla	1	1	182
LAWS 47201	Criminal Procedure I: The Investigative Process Sharon Fairley	3	3	180
LAWS 53271	Contract Drafting and Review Joan Neal	3	3	183
LAWS 53287	Technology Policy Randal Picker	3	3	181

Spring 2020

Course	Description	Attempted	Earned	Grade
LAWS 40201	Constitutional Law II: Freedom of Speech Geoffrey Stone	3	3	EP
LAWS 42401	Securities Regulation M. Todd Henderson	3	3	EP
LAWS 93499	Independent Research: Litigating Deepfakes: What can be Learned from Trademark Law Omri Ben-Shahar	3	3	EP

End of University of Chicago Law School

Date Issued: 07/01/2020

Page 2 of 2

KEY TO TRANSCRIPT ON FINAL PAGE

OFFICIAL ACADEMIC DOCUMENT



Key to Transcripts of Academic Records

1. Accreditation: The University of Chicago is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools. For information regarding accreditation, approval or licensure from individual academic programs, visit <http://csl.uchicago.edu/policies/disclosures>.

2. Calendar & Status: The University calendar is on the quarter system. Full-time quarterly registration in the College is for three or four units and in the divisions and schools for three units. For exceptions, see 7 Doctoral Residence Status.

3. Course Information: Generally, courses numbered from 10000 to 29999 are courses designed to meet requirements for baccalaureate degrees. Courses with numbers beginning with 30000 and above meet requirements for higher degrees.

4. Credits: The Unit is the measure of credit at the University of Chicago. One full Unit (100) is equivalent to 3 1/3 semester hours or 5 quarter hours. Courses of greater or lesser value (150, 050) carry proportionately more or fewer semester or quarter hours of credit. See 8 for Law School measure of credit.

5. Grading Systems:

Quality Grades

Grade	College & Graduate	Business	Law
A+	4.0	4.33	
A	4.0	4.0	186-180
A-	3.7	3.67	
B+	3.3	3.33	
B	3.0	3.0	179-174
B-	2.7	2.67	
C+	2.3	2.33	
C	2.0	2.0	173-168
C-	1.7	1.67	
D+	1.3	1.33	
D	1	1	167-160
F	0	0	159-155

Non-Quality Grades

- I **Incomplete:** Not yet submitted all evidence for final grade. Where the mark I is changed to a quality grade, the change is reflected by a quality grade following the mark I, (e.g. IA or IB).
- IP **Pass (non-Law):** Mark of I changed to P (Pass). See 8 for Law IP notation.
- NGR **No Grade Reported:** No final grade submitted
- P **Pass:** Sufficient evidence to receive a passing grade. May be the only grade given in some courses.
- Q **Query:** No final grade submitted (College only)
- R **Registered:** Registered to audit the course
- S **Satisfactory**
- U **Unsatisfactory**
- UW **Unofficial Withdrawal**
- W **Withdrawal:** Does not affect GPA calculation
- WP **Withdrawal Passing:** Does not affect GPA calculation
- WF **Withdrawal Failing:** Does not affect GPA calculation
- Blank:** If no grade is reported after a course, none was available at the time the transcript was prepared.

Examination Grades

- H Honors Quality
- P* High Pass
- P Pass

Grade Point Average: Cumulative G.P.A. is calculated by dividing total quality points earned by quality hours attempted. For details visit the Office of the University Registrar website: <http://registrar.uchicago.edu>.

6. Academic Status and Program of Study: The quarterly entries on students' records include academic statuses and programs of study. The Program of Study in which students are enrolled is listed along with the quarter they commenced enrollment at the beginning of the transcript or chronologically by quarter. The definition of academic statuses follows:

7. Doctoral Residence Status: Effective Summer 2016, the academic records of students in programs leading to the degree of Doctor of Philosophy reflect a single doctoral registration status referred to by the year of study (e.g. D01, D02, D03). Students entering a PhD program Summer 2016 or later will be subject to a

University-wide 9-year limit on registration. Students who entered a PhD program prior to Summer 2016 will continue to be allowed to register for up to 12 years from matriculation.

Scholastic Residence: the first two years of study beyond the baccalaureate degree. (Revised Summer 2000 to include the first four years of doctoral study. Discontinued Summer 2016)

Research Residence: the third and fourth years of doctoral study beyond the baccalaureate degree. (Discontinued Summer 2000.)

Advanced Residence: the period of registration following completion of Scholastic and Research Residence until the Doctor of Philosophy is awarded. (Revised in Summer 2000 to be limited to 10 years following admission for the School of Social Service Administration doctoral program and 12 years following admission to all other doctoral programs. Discontinued Summer 2016.)

Active File Status: a student in Advanced Residence status who makes no use of University facilities other than the Library may be placed in an Active File with the University. (Discontinued Summer 2000.)

Doctoral Leave of Absence: the period during which a student suspends work toward the Ph.D. and expects to resume work following a maximum of one academic year.

Extended Residence: the period following the conclusion of Advanced Residence. (Discontinued Summer 2013.)

Doctoral students are considered full-time students except when enrolled in Active File or Extended Residence status, or when permitted to complete the Doctoral Residence requirement on a half-time basis.

Students whose doctoral research requires residence away from the University register *Pro Forma*. *Pro Forma* registration does not exempt a student from any other residence requirements but suspends the requirement for the period of the absence. Time enrolled *Pro Forma* does not extend the maximum year limit on registration.

8. Law School Transcript Key: The credit hour is the measure of credit at the Law School. University courses of 100 Units not taught through the Law School are comparable to 3 credit hours at the Law School, unless otherwise specified.

The frequency of honors in a typical graduating class:

Highest Honors (182+)
0.5%
High Honors (180.5+)(pre-2002 180+)
7.2%
Honors (179+)(pre-2002 178+)
22.7%

Pass/Fail and letter grades are awarded primarily for non-law courses. Non-law grades are not calculated into the law GPA.

P** indicates that a student has successfully completed the course but technical difficulties, not attributable to the student, interfered with the grading process.

IP (In Progress) indicates that a grade was not available at the time the transcript was printed.

* next to a course title indicates fulfillment of one of two substantial writing requirements. (Discontinued for Spring 2011 graduating class.)

See 5 for Law School grading system.

9. FERPA Re-Disclosure Notice: In accordance with U.S.C. 438(6)(4)(8)(The Family Educational Rights and Privacy Act of 1974) you are hereby notified that this information is provided upon the condition that you, your agents or employees, will not permit any other party access to this record without consent of the student.

Office of the University Registrar
University of Chicago
1427 E. 60th Street
Chicago, IL 60637
773.702.7891

For an online version including updates to this information, visit the Office of the University Registrar website: <http://registrar.uchicago.edu>.

Revised 09/2016

How to Authenticate This Official PDF Transcript

This official PDF transcript has been transmitted electronically to the recipient, and is intended solely for use by that recipient. It is not permissible to replicate this document or forward it to any person or organization other than the identified recipient. Release of this record or disclosure of its contents to any third party without written consent of the record owner is prohibited.

This official transcript has been digitally signed and therefore contains special characteristics. This document will reveal a digital certificate that has been applied to the transcript, and for optimal results, we recommend that this document is viewed with the latest version of Adobe® Acrobat or Adobe® Reader. This digital certificate will appear in a pop-up screen or status bar on the document, display a blue ribbon, and declare that the document was certified by Parchment, with a valid certificate issued by GlobalSign CA for Adobe®. This document certification can be validated by clicking on the Signature Properties of the document.



The Blue Ribbon Symbol: The blue ribbon is your assurance that the digital certificate is valid, the document is authentic, and the contents of the transcript have not been altered.



Invalid: If the transcript does not display a valid certification and signature message, reject this transcript immediately. An invalid digital certificate display means either the digital signature is not authentic, or the document has been altered. The digital signature can also be revoked by the transcript office if there is cause, and digital signatures can expire. A document with an invalid digital signature display should be rejected.



Author Unknown: Lastly, one other possible message, Author Unknown, can have two possible meanings: The certificate is a self-signed certificate or has been issued by an unknown or untrusted certificate authority and therefore has not been trusted, or the revocation check could not complete. If you receive this message make sure you are properly connected to the internet. If you have a connection and you still cannot validate the digital certificate on-line, reject this document.

The current version of Adobe® Reader is free of charge, and available for immediate download at <http://www.adobe.com>.

ABOUT PARCHMENT: Parchment is an academic credential management company, specializing in delivery of official electronic credentials. As a trusted intermediary, all documents delivered via Parchment are verified and secure.

Learn more about Parchment at www.parchment.com



YALE UNIVERSITY

Student No: 908027587

Date Issued: 01-AUG-2019

Record of: Sahar Sarah Segal

Page: 1

Issued To: Sahar Segal

Parchment DocumentID: 24266104

College : Yale College SY 13
 Major : Political Science (Int.)
 Major : Religious Studies

Events: Distinction in Major 1
 Distinction in Major 2

Degree(s) Awarded :
 Bachelor of Arts 20-MAY-2013

SUBJ NO.	COURSE TITLE	CRED	GRD
Institution Information continued:			
INTS 255	EnrgyIntrnatlSecurty&GloblEcon	1.00	A-
PHIL 267	Mathematical Logic	1.00	W
PLSC 326	Borders, Culture & Citizenship	1.00	B+

SUBJ NO.	COURSE TITLE	CRED	GRD
----------	--------------	------	-----

TRANSFER CREDIT ACCEPTED BY THE INSTITUTION:

High School Acceleration credit equiv. of

ENGL ACC1	Accel Credit English	2.00	ACV
MATH ACC1	Accel Credit Math (Calculus)	1.00	ACV
PHYS ACC1	Accel Credit Phys (IntroPhys)	2.00	ACV

Fall 2009

DRST 001	Directed Studies: Literature	1.00	A-
DRST 003	Directed Studies: Philosophy	1.00	B+
DRST 005	DirectedStud:Hst&PolitThought	1.00	B+
MATH 120	CalcFunctionsSeveralVariables	1.00	B-

Spring 2010

DRST 002	Directed Studies: Literature	1.00	B+
DRST 004	Directed Studies: Philosophy	1.00	A
DRST 006	DirectedStud:Hst&PolitThought	1.00	A-
INTS 301	ImperialismInsurgency&MidEast	1.00	A
JDST 391	MidrashSem: Theophany at Sinai	1.00	A

Fall 2010

ECON 115	Introductory Microeconomics	1.00	B+
G&G 250	Paleontology&EvolutionryTheory	1.00	A-

***** CONTINUED ON NEXT COLUMN *****

SUBJ NO.	COURSE TITLE	CRED	GRD
Institution Information continued:			
INTS 255	EnrgyIntrnatlSecurty&GloblEcon	1.00	A-
PHIL 267	Mathematical Logic	1.00	W
PLSC 326	Borders, Culture & Citizenship	1.00	B+

Spring 2011

AMTH 222	LinearAlgebraWithApplications	1.00	B
ECON 116	Introductory Macroeconomics	1.00	B
ECON 325	EconomicsOfDevelopingCountries	1.00	B+
JDST 400	Midrash Seminar: Exodus 32	1.00	A
PHIL 456	Theories of Social Justice	1.00	A

Fall 2011

PLSC 281	Issues in Bioethics	1.00	A
PLSC 397	Language&EthnicConflictBalkans	1.00	A-
RLST 178	Conflict&DiscourseRomanReligion	1.00	A
RLST 253	The Making of Monasticism	1.00	A
RLST 490	ApproachesToStudyOfReligion	1.00	A

Spring 2012

PLSC 257	Bioethics and Law	1.00	A
PLSC 474	DirReadng&Resrch:JunIntensvMaj	1.00	A
RLST 150	New Testament in Hst&Culture	1.00	A
RLST 202	Jews In Muslim Lands 7th-16thC	1.00	A
RLST 772	Rabbinics Research Seminar	1.00	A

Fall 2012

GREK 110	The Elements of Greek Grammar	1.50	A
PLSC 453	IntroStatistics:SocialSciences	1.00	A-
PLSC 490	The Senior Colloquium	1.00	A
RLST 325	Rabbis &Others: Late Antiquity	1.00	A-
RLST 491	The Senior Essay	1.00	A-

***** CONTINUED ON PAGE 2 *****

This transcript is printed over a reproduction, in blue ink, of *A Front View of Yale-College*, from a woodcut printed by Daniel Bowen in 1786. The building on the right survives as Connecticut Hall, on Yale's Old Campus.



Emily Shandley, University Registrar



Student No: 908027587

Date Issued: 01-AUG-2019

Record of: Sahar Sarah Segal
Level: Undergraduate

Page: 2

SUBJ NO.	COURSE TITLE	CRED	GRD
----------	--------------	------	-----

Institution Information continued:

Spring 2013

ASTR 210	Stars and Their Evolution	1.00	B+
GREK 120	Greek Grammar Review & Readings	1.50	CR
PLSC 493	Senior Essay For Intensive Majors	1.00	A
RLST 492	The Senior Essay	1.00	A-
SAST 461	Indian Texts and Contexts	1.00	A

*****UNDERGRADUATE DEGREE GPA 3.71 *****

Distinction in Political Science (Int.)

Distinction in Religious Studies

Cumulative GPA: 3.71

***** END OF TRANSCRIPT *****



This transcript is printed over a reproduction, in blue ink, of *A Front View of Yale-College*, from a woodcut printed by Daniel Bowen in 1786. The building on the right survives as Connecticut Hall, on Yale's Old Campus.



Emily Shandley, University Registrar



Yale University

OFFICE OF THE UNIVERSITY REGISTRAR • POST OFFICE BOX 208321 • NEW HAVEN, CONNECTICUT 06520-8321 • (203) 432-2330

Yale College is the undergraduate division of Yale University, and this document is a transcript of the student's undergraduate record at Yale. Yale University is accredited by the New England Association of Schools and Colleges. Federal law prohibits release of information from this transcript to a third party without the express written consent of the student.

REQUIREMENTS FOR THE BACHELOR'S DEGREE

For the class of 1970 and subsequent classes, a student must successfully complete at least 36 semester courses or their equivalent in Yale College to qualify for the degree of Bachelor of Arts (B.A.) or Bachelor of Science (B.S.). *Semester credit hours only appear on the transcript for the convenience of other institutions.* The student must also fulfill the Distributional Requirements, including the Foreign Language Requirement (beginning with students entering in Fall 1983), and complete the requirements of a major program, including a departmental examination or its equivalent, such as a senior essay. Some programs offer an intensive major as well as a standard major. A student may normally complete no more than eight terms of enrollment in order to fulfill these requirements.

For the Class of 1969, at least 38 semester courses or their equivalent must have been satisfactorily completed for the Bachelor's degree in the standard major.

For the Classes of 1934 to 1968, at least 40 semester courses or their equivalent must have been satisfactorily completed for the Bachelor's degree in the standard major.

For the Classes of 1927 to 1933, at least 120 semester hours were required for graduation.

For the Classes of 1926 and prior classes, 60 year hours were required for graduation.

Students who enter Yale College with advanced preparation may be awarded credit in those subjects at the conclusion of the freshman year (college credit for students who entered prior to September 1975; acceleration credit for students who entered subsequently). Such credit may be counted toward the requirements for graduation if the student accelerates - that is, if the student concludes his or her studies in fewer than eight semesters.

A limited number of students enroll as Eli Whitney Students, usually completing degree requirements on a part-time basis over a period not exceeding seven years. Such enrollment may lead to the Bachelor of Arts or Bachelor of Science degree. Until 2004, the Eli Whitney Students program was called the Degree Special Students program and could alternatively lead to the Bachelor of Liberal Studies (B.L.S.) degree.

SUMMER SESSION

From 1975 through 1978, Yale College offered a summer term, the equivalent of a regular fall or spring term. Students could participate in a summer term as *regular* enrollment if the term was intended to be one of eight terms of attendance, or as *supplementary* enrollment if the term was not to be one of the eight required terms. Part-time participation in a summer term was permitted under supplementary enrollment.

Yale Summer Programs (1979 to 2004) / Yale Summer Session (2005-present) is currently an independent division of Yale University. In both content and method, most summer courses are identical to courses offered in Yale College during the regular academic year. Summer courses are, however, smaller in size and are both more concentrated and intensive than courses offered during the regular fall and spring semesters. Summer courses are taught by regular faculty of Yale University, by visiting professors who receive temporary appointments at Yale, and by Yale graduate students. Summer courses are approved by the Yale College faculty for credit toward the bachelor's degree.

NUMBERING OF COURSES

Beginning in 1977-78, undergraduate courses are numbered from 100 to 499. Course numbers do not necessarily correlate with course level. Courses taken in the Yale Graduate School of Arts and Sciences are numbered from 500 to 999. Courses offered through the various Yale professional schools are numbered according to the systems of those respective schools.

Before 1977-78, courses numbered from 10 to 19 were, in general, elementary or first-year courses. Second-year or intermediate courses were numbered from 20 to 29. Third-year and advanced courses were numbered from 30 to 99. Courses numbered 100 and above were offered through the Graduate School of Arts and Sciences.

Year-long courses may appear with identical abbreviated titles for the two terms in which the courses were taken. In some year-long courses, failure to complete the second term results in no credit for either term.

The following may also appear in combination with course numbers:

a	Fall term course	E	Online course
b	Spring term course	S	Yale Summer Session
C	Summer term course	J	Junior seminar
I or Ib	Laboratory course		

COURSE CREDIT EQUIVALENT

One (1) Yale College course credit equates to four (4) semester hours.

COURSE TITLES AND DESCRIPTIONS

Full course titles and course descriptions are provided in the *Yale College Programs of Study* bulletin. Upon request to the Registrar, copies of relevant pages will be furnished at a cost of \$.50 per page.

GRADING SYSTEMS

Yale calculates grade point averages for students enrolled in the Fall 2005 term and subsequent terms. Starred grades (*) do not count toward GPA. Yale does not calculate class rank. The College currently operates on a semester system.

Fall 2014 through the present:

A, A-	Excellent	B+, B, B-	Good	C+, C, C-	Satisfactory
D+, D, D-	Passing	P	Pass	F	Fail
CR	Credit (see below*)				
W	Withdrew (without prejudice after midterm)			TR	Transfer Credit

Fall 2009 through Summer 2014:

A, A-	Excellent	B+, B, B-	Good	C+, C, C-	Satisfactory
D+, D, D-	Passing	F	Fail	CR	Credit (see below*)
W	Withdrew (without prejudice after midterm)			TR	Transfer Credit

Summer 1981 through Spring 2009:

A, A-	Excellent	B+, B, B-	Good	C+, C, C-	Satisfactory
D+, D, D-	Passing	F	Fail	CR	Credit (see below*)
W	Withdrew (without prejudice after midterm)				

Fall 1972 through Spring 1981:

A	Excellent	B	Very Good	C	Satisfactory	D	Passing
F	Fail	CR	Credit (see below*)				
W	Withdrew (without prejudice after midterm)						

Fall 1967 through Spring 1972:

H	Honors	HP	High Pass	P	Pass	F	Fail
INP	Incomplete	W	Withdrew (in good standing)				
WF	Withdrew (failing)						

Fall 1932 through Spring 1966:

A 100-point numerical grading system was used at Yale College during this period with the following demarcations:

90-100	A	80-89	B	70-79	C	60-69	D (passing)	50-59	F
--------	---	-------	---	-------	---	-------	-------------	-------	---

Prior to Fall 1932:

A 400-point numerical grading system was used at Yale College with the following equivalencies established between the 100-point and the 400-point scales:

400 = 100	375 = 95	350 = 90	325 = 85	300 = 80	275 = 75	250 = 70
225 = 65	200 = 60	(passing)				

The following marks may appear on some transcripts:

ABP	Absent from final examination
ABX	Authorized postponement of a final examination
INC or TI	Authorized late submission of work
NM or #	No grade recorded
NS	Unsatisfactory completion of work to date
SAT	Satisfactory completion of work to date
UNC	Unauthorized late submission of work

Beginning with Fall 1976, the transcript shows all courses in which the student was enrolled at midterm.

From Fall 1972 through Summer 1976, the transcript was a record only of courses successfully completed.

The grades of A, A-, B+, B, B-, C+, C, C-, D+, D, D-, CR, TR, H, HP, and P equally contribute course credit toward graduation requirements.

* From Fall 1975 through Spring 1993, students could elect a limited number of courses on the Credit/Fail option; passing grades were converted to CR.

* Beginning with Fall 1993, only grades of C- and above in courses elected on the Credit/D/Fail option were converted to CR.

OFFICIAL RECORD

A transcript without the signature of the University Registrar is to be considered only as a statement of the student's academic progress toward the degree and is not to be considered as an official document.

האוניברסיטה העברית בירושלים
THE HEBREW UNIVERSITY OF JERUSALEM



FACULTY: HUMANITIES

RECORD OF STUDIES

PAGE NO.1

NAME: Segal Sahar

STUDENT NO. 33042371-6

29/04/2018

DEPARTMENTS: TALMUD & HALACHA

<u>YEAR</u>	<u>SEM</u>	<u>COURSE</u>	<u>TYPE</u>	<u>CREDIT</u>	<u>HOURS</u>	<u>GRADE</u>
M.A.						
2014/5	Y	07130	BABYLONIAN TALMUD, TRACTATE BAVA BATRA	E	4.0	56 97
	Y	07902	STUDIES IN GEONIC RESPONSA	S	4.0	56 93
				S.P.	4.0	93
	Y	07904	Textual Traditions of the Babylonian Talmud	S	4.0	56 92
	Y	43511	INTRO. TO HELLEN.-ROMAN. ARCH. OF LAND OF ISRAEL	L	4.0	56 94
	A	07710	a	S	2.0	28 97
	A	28107	Advanced Greek (Part 1)	E	2.0	28 100
	B	07821	One Sugya and Its Parallels in PT (Sota-Ketubot-	S	2.0	28 97
	B	28117	ADVANCED GREEK (PART II)	E	2.0	28 88
	Y	07478	BABYLONIAN TALMUD TRACTATE SHABBAT	LS	4.0	56 90
2015/6	Y	07906	Women in Halacha	S	4.0	56 90
	Y	07908	Talmud Yerushlmi Tractate Berakhot (Chapter II)	S	4.0	56 96
	Y	07910	STUDIES IN THE MISHNAH AND TOSEFTA	S	4.0	56 93
	Y	36103	SYRIAC: LANGUAGE AND TEXTS (BEGINNERS)	E	8.0	112 95

CONTINUED ON NEXT PAGE-----

The Hebrew University
of Jerusalem
FACULTY OF HUMANITIES

The Office of Student Affairs | Faculty of Humanities | הפקולטה למדעי הרוח | המזכירות לענייני תלמידים

Mt. Scopus, Jerusalem 9190501, Israel | 9190501 ירושלים | הר הצופים

http://www.hum.huji.ac.il | F +972.2.5881093 פקס | T +972.2.5881077 טל'

האוניברסיטה העברית בירושלים
THE HEBREW UNIVERSITY OF JERUSALEM



FACULTY: HUMANITIES

RECORD OF STUDIES

PAGE NO.2

NAME: Segal Sahar

STUDENT NO. 33042371-6

29/04/2018

YEAR	SEM	COURSE	TYPE	CREDIT	HOURS	GRADE
	A	28314 Herodotus	E	2.0	28	90
	B	28212 Speeches of Lysias and Demosthenes	E	2.0	28	100
2016/7	B	74444 FINAL EXAM	---	---	---	COMP
	B	74449 SEMINAR RESEARCH PROJECT IN M.A. STUDIES	---	---	---	COMP

11/2017

TALMUD & HALACHA

FINAL GRADUATE EXAM

93.00

11/2017

TALMUD & HALACHA

GRADUATE THESIS

93.50

11/2017

TALMUD & HALACHA

GRADUATE FINAL GRADE

93.53

COMPLETED THE ACADEMIC REQUIREMENTS TOWARDS THE M.A. IN NOV 2017
CEREMONY IN MAY 2018

EXPLANATORY INFORMATION FOR RECORD OF STUDIES AND OFFICIAL TRANSCRIPT:
http://info.huji.ac.il/university-services/record_of_studies

The Hebrew University
of Jerusalem
FACULTY OF HUMANITIES

The Office of Student Affairs | Faculty of Humanities | הפקולטה למדעי הרוח | המזכירות לענייני תלמידים
Mt. Scopus, Jerusalem 9190501, Israel | 9190501 ירושלים 9190501
טל' +972.2.5881077 | פקס +972.2.5881093 | <http://www.hum.huji.ac.il>

האוניברסיטה העברית בירושלים
THE HEBREW UNIVERSITY OF JERUSALEM



FACULTY: HUMANITIES

RECORD OF STUDIES

PAGE NO.3

NAME: Segal Sahar

STUDENT NO. 33042371-6

29/04/2018

<u>YEAR</u>	<u>SEM</u>	<u>COURSE</u>	<u>EXTRA STUDIES</u>	<u>TYPE</u>	<u>CREDIT</u>	<u>HOURS</u>	<u>GRADE</u>
2014/5	B	07131	MISHNAH AND TOSEFTA TRACTATE SHEVU'OT	E	2.0	28	92

EXPLANATORY INFORMATION FOR RECORD OF STUDIES AND OFFICIAL TRANSCRIPT:
http://info.huji.ac.il/university-services/record_of_studies

The Hebrew University
of Jerusalem
FACULTY OF HUMANITIES

The Office of Student Affairs | Faculty of Humanities | הפקולטה למדעי הרוח | המזכירות לענייני תלמידים
 Mt. Scopus, Jerusalem 9190501, Israel | 9190501 ירושלים 9190501
<http://www.hum.huji.ac.il> | F +972.2.5881093 פקס | T +972.2.5881077 טל

Professor Omri Ben-Shahar
Leo and Eileen Herzel Professor of Law and
Kearney Director of the Coase-Sandor Institute for Law and Economics
The University of Chicago Law School
1111 E. 60th Street
Chicago, IL 60637
omri@uchicago.edu | 773-702-2087

April 19, 2022

The Honorable Lewis Liman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 701
New York, NY 10007-1312

Dear Judge Liman:

Ms. Sahar Segal, who is now in her second year as a practicing litigation attorney at Skadden (Chicago), is seeking a clerkship position with you. I am entirely convinced that she will be a superb clerk – a star – and I offer my strongest possible recommendation.

I base this strong endorsement on two experiences I had as her professor at the University of Chicago Law School. First, Ms. Segal worked as my research assistant in 2020-21 on two projects. In the first, she was asked to review the legal and social science literature on the concept of manipulation of consumers. I was working an article on this issue, and the memo she produced changed the way I thought about it. The memo was comprehensive and informative, but at the same time had extra qualities. It was organized conceptually in a manner that helped me see both the bigger picture structure of the problem as well as the details springing from each branch. And it was peppered with her own critical evaluations, her own reflections on the materials, challenging me to rethink some of my priors. In the second research project, I asked Ms. Segal to build on her graduate education in theology and examine practices of personalized rules in religious law. This was part of background research I was conducting for a book, published since, on “Personalized Law.” Ms. Segal’s memo was enlightening. She found references that were right on, briefed them concisely and intelligently, and gave me raw materials that featured prominently in the book. Because she understood so precisely my research needs, and because she was able to synthesize challenging sources into an excellent flowing survey, I can say, without hesitation, that she one of the best RAs I had in my many years as a professor.

My second experience with Ms. Segal was in the classroom. She excelled in my Trademarks and Unfair Competition Law class. Her brilliance was on display not only in exam (#3 in the class), but in the analytical thinking she demonstrated in almost every meeting, either by asking those wickedly hard questions, or by her fog-free common-sense observations. Again, I’m ready to go out on a limb and say that she is one of the best Trademarks students I had ever had.

What general skills do I think Ms. Segal have? I like her clear and concise writing style, her cut-to-the-chase analytical approach, and of course her command of legal doctrine. She is meticulous, well-prepared, and organized. She is polite and dedicated. And, at the same time, she is not a yay-nodder. She performs tasks at a level that exceeds expectations, but also offers original thinking and creative solutions.

Now, add to these law-school credentials her litigation practice at the law firm, and you probably have the complete package. Ms. Segal is fully committed to being a litigation attorney and seeks the clerkship as a learning experience to further sharpen her practical skills. No amount of work will be too much for her; no assignment too demanding or difficult; and I predict that every memo she will produce is going to be masterfully done. A combination of an independent thinker and an intense listener, she is brilliant but modest—someone whom it will be a pleasure to mentor.

I would be more than happy to discuss Sahar Segal by phone or follow up email. Please don’t hesitate to call me any time on my cellphone, (734) 276-9143.

Sincerely,

Omri Ben-Shahar

Omri Ben-Shahar - omri@uchicago.edu - 773-702-9494

Professor Lior J. Strahilevitz
Sidley Austin Professor of Law
The University of Chicago Law School
1111 E. 60th Street
Chicago, IL 60637
lior@uchicago.edu | 773-834-8665

April 25, 2022

The Honorable Lewis Liman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 701
New York, NY 10007-1312

Dear Judge Liman:

I am very happy to write this letter of recommendation on behalf of Sahar Segal, a class of 2020 honors graduate of the University of Chicago Law School. Sahar is extremely well qualified and would be a terrific law clerk. I recommend her to you enthusiastically.

Sahar worked for me as my research assistant during the summer after her first year of law school at Chicago. She was one of the best research assistants I have ever hired, stacking up well against a group that includes major law firm partners, tenure-track law professors, and leaders in public service. Her work was consistently thorough, prompt, and smart. She displayed a lot of ingenuity and initiative in how she approached her research. I asked her to work on a series of projects related to my primary research interests – property law and privacy law – and her research was invariably helpful, well-presented, and thoughtful. Among the dozens of research assistants I have hired, I cannot recall anyone who did a superior job of working independently and anticipating challenges before they arose.

Sahar was also a strong student in my Property class during her first year. The students are all quite talented at Chicago and engaged very seriously in their work. Among all the elite schools in the United States our students may just have the reputation for being the most diligent and serious. She came to every class well-prepared to discuss the assigned readings, often had perceptive questions for me after class ended, and has been a strong academic performer throughout her time as a J.D. student. Academically, I would certainly place her in the top 10 to 15% of our students, and she easily graduated with honors from an institution that is one of the last holdouts among elite schools resisting grade inflation.

In addition to her J.D., and her undergraduate degree from Yale, Sahar has also earned a Masters degree in Jewish and Talmudic law at Hebrew University. She is fluent in Hebrew and English. I think someone with her background, smarts, and legal training that is both interdisciplinary and international studies would be a great resource for any judge.

Sahar was born in Canada, raised by two Israeli parents, and she emigrated to the United States when she was nine years old, though she spent every summer in Israel. Between college and graduate school she worked at a very well-regarded health care software company called Epic Systems, and she handled significant client-facing responsibilities there. Sahar enjoyed the problem solving and client service aspects of the job so a career in the legal profession has long appealed to her. Sahar gave some thought to applying for clerkships while still in law school. She wound up deciding not to apply because she and her husband wanted to start a family and she did not want to leave a judge scrambling for coverage if she had to go on maternity leave during her clerkship. She has been working as a litigator at Skadden's Chicago office for a few years now. She has gotten a range of exposures to civil and criminal matters, and I know from friends at Skadden that Sahar is regarded as one of their star associates. She is a great, loving parent but also someone who loves being a lawyer and was delighted to get back to the office when her maternity leave at Skadden came to an end. Skadden will work hard to recruit her back when she is done clerking.

If I were asked to describe Sahar's personality, the first words that would spring to mind are earnest, professional, authentic, and kind. Sahar is direct but never abrasive, and she has the rare quality in a millennial student of being extremely respectful of professors' time. I would not describe Sahar as smooth or slick, but I would say that she absolutely exudes competence even if self-promotion does not come naturally to her. She is a grown-up who excels at getting everything done without breaking a sweat, she's low-maintenance, and there's a modesty I find very appealing in someone as accomplished as her.

I was delighted to get the chance to work with Sahar during her time at Chicago. If I had the chance to continue that work I would do so without hesitation. For that reason I will certainly envy the judge who gets to bring her talents and wisdom into chambers for a year.

Sincerely,
Lior J. Strahilevitz
Sidley Austin Professor of Law

Lior Strahilevitz - lior@uchicago.edu - 773-834-8665

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000
FAX: (202) 393-5760
www.skadden.com

May 04, 2022

The Honorable Lewis Liman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 701
New York, NY 10007-1312

Dear Judge Liman:

I am writing to recommend Sahar Segal for a clerkship in your chambers. Sahar has been an associate in the Chicago office of Skadden, Arps, Slate, Meagher & Flom LLP since January 2021. I had the pleasure of working closely with her on a fast-paced and highly sensitive internal investigation last summer and fall. Sahar was recommended for the team by my law partner, Patrick J. Fitzgerald, the former U.S. attorney for the Northern District of Illinois. Although Sahar was only in her first year of practice at the time, she quickly became an indispensable member of the team and a subject matter expert on the areas of the case for which she was responsible. She researched and distilled a complex set of health care regulations; reviewed and synthesized highly technical contracts and correspondence; and drafted interview outlines and interview memoranda. Moreover, she was so careful and thoughtful that I asked her to lead portions of several interviews, including that of the key witness in the matter. As I expected, she was knowledgeable, thorough, and polite but persistent in her questioning. She also was a committed team player throughout this challenging investigation, always ready to pitch in, no matter how mundane the assignment, short the deadline, or inconvenient the timing.

During her relatively short time at the firm, Sahar has worked on a number of litigation matters, both billable and nonbillable. She has litigated securities and mass tort cases for major firm clients. In addition, she has devoted a very substantial amount of time to pro bono efforts. For example, she has represented clients on an affirmative asylum application, which was recently granted; on a citizenship application; in a landlord-tenant case; in a criminal appeal; and in voting rights matters. Thus, she has acquired a great deal of litigation experience in a short period of time.

I am confident that Sahar would make an excellent clerk, and I recommend her enthusiastically.

Sincerely,

/s/ Jessie K. Liu

Charles Smith - charles.smith@skadden.com - 847-323-0577

SAHAR SEGAL

702 W. Gordon Terrace #3A ♦ Chicago, IL 60613 ♦ (847) 757-0762 ♦ sahar.s.segal@gmail.com

The attached writing sample is excerpted from a brief I wrote in support of my client's affirmative application for asylum, which was recently granted, as part of my pro bono work at Skadden. Identifying information has been deleted for reasons of confidentiality, but otherwise the brief is as prepared for the USCIS Asylum Office. I have received permission from Skadden to use this as a writing sample.

Dear Asylum Officer:

The undersigned represents Mr. CLIENT in his affirmative application for asylum under the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1158. Mr. CLIENT, a 35 year-old COUNTRY national, fears persecution by the COUNTRY government and its citizens on account of his membership in the particular social group of gay men from COUNTRY. He fears death, physical violence, arbitrary arrest, imprisonment, and extreme social exclusion because he is gay.

I. Background

A. Current conditions for gay men in COUNTRY

[OMITTED]

B. Mr. CLIENT’s experiences as a gay man in COUNTRY

[OMITTED]

II. Mr. CLIENT is eligible for asylum in the United States.

To be eligible for asylum, an applicant must show that he is outside of the country of his nationality and is “unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of . . . membership in a particular social group.” *Id.* § 1101(a)(42)(A). For the reasons described below and corroborated by the attached documents, Mr. CLIENT has demonstrated that he has suffered from past persecution and has a well-founded fear of future persecution if he returns to COUNTRY on account of his membership in the particular social group of gay men. The COUNTRY government not only sanctions but

also encourages and participates in the persecution of gay men by both government and non-government actors. As a gay man, Mr. CLIENT experienced persecution at the hands of the police and nonstate actors the government is unwilling to control, and he has a well-founded fear that, if forced to return to COUNTRY, he would face persecution, including death, on account of his sexual orientation. Accordingly, Mr. CLIENT is entitled to asylum.

A. Mr. CLIENT is a member of a particular social group recognized as eligible for asylum under the INA.

Sexual orientation is a protected ground for asylum based on membership in a particular social group. *Moab v. Gonzales*, 500 F.3d 656, 661 n.2 (7th Cir. 2007) (“[H]omosexuality qualifies as a ‘particular social group.’”) (citing *Matter of Toboso-Alfonso*, 20 I&N Dec. 819, 822–23 (B.I.A. 1990)) (noting that the Attorney General designated *Matter of Toboso-Alfonso* to serve as “precedent in all proceedings involving the same issue or issues”).

Mr. CLIENT has credibly established that he is a member of the cognizable social group of COUNTRY gay men. In his affidavit, he describes that he has been attracted to men since he was young, but was forced to hide his feelings from his family and community due to widespread homophobia. The attached letters of support also corroborate that Mr. CLIENT is gay. Despite these pressures, he volunteered for gay rights organizations in CITY until he was forced to flee the country. Mr. CLIENT has had same-sex relationships throughout his life and has lived openly as a gay man since his arrival in Chicago. Thus, Mr. CLIENT has shown that he is a member of a group eligible for asylum under the INA.

B. Mr. CLIENT suffered past persecution by the government and by private actors the government is unwilling to control on account of his membership in the particular social group of gay men.

Although persecution is not defined in the INA, the Seventh Circuit has held that it involves “the use of significant physical force against a person’s body, or the infliction of comparable physical harm without direct application of force . . . or non-physical harm of equal gravity.” *Stanojkova v. Holder*, 645 F.3d 943, 948 (7th Cir. 2011) (emphasis omitted). In order for an applicant to be eligible for asylum, membership in a particular social group must be “at least one central reason” for his or her persecution. 8 U.S.C. § 1158(b)(1)(B)(i). Under the INA, “[p]ersecution can be by the government itself or by a group that the government is ‘unable or unwilling to control.’” *Tapiero de Orejuela v. Gonzales*, 423 F.3d 666, 672 (7th Cir. 2005) (citation omitted). Mr. CLIENT can show that he (1) suffered past persecution (2) on account of his sexual orientation (3) by government actors and private actors the government is unwilling to control.

“[I]t is axiomatic that the evidence of persecution must be considered as a whole, rather than piecemeal.” *Bejko v. Gonzales*, 468 F.3d 482, 486 (7th Cir. 2006) (citation omitted); *see also Kantoni v. Gonzales*, 461 F.3d 894, 898 (7th Cir. 2006) (collecting cases). The cumulative experience of physical harm, credible threats, and non-physical harm suffered by Mr. CLIENT is sufficient to establish past persecution. Specifically, the persecution of Mr. CLIENT on account of his sexual orientation included: (i) inability to live openly as a gay man due to fear of arrest, imprisonment, violence, death, and extreme social exclusion; (ii) childhood sexual abuse; (iii) abuse by students and teachers in a public high school and the

school's failure to protect him from other students; (iv) beating and death threats by mobs in CITY; (v) arrest and abuse by the police; (vi) inability to receive medical treatment at a hospital due to fear of arrest; and (vii) death threats from his coworker and his brothers.

- i. Inability to live openly as a gay man

[OMITTED]

- ii. Childhood sexual abuse

[OMITTED]

- iii. Abuse by teachers and students in high school

[OMITTED]

- iv. The NEIGHBORHOOD, CITY attacks

The threats and beatings Mr. CLIENT suffered at the hands of mobs in MONTH YEAR amount to past persecution. Threats compel a finding of past persecution when they “are of a most immediate or menacing nature or if the perpetrators attempt to follow through on the threat.” *Bejko*, 468 F.3d at 486; *see also Kantoni*, 461 F.3d at 898 (“[a] credible threat that causes a person to abandon” a lawful, protected group is persecution). The mobs that threatened Mr. CLIENT followed through on their threats, attacking not only him but over a dozen suspected gay men in NEIGHBORHOOD. After Mr. CLIENT fled the area, his former neighbor warned him that the threats were still credible and that he would likely be beaten or killed if he returned. These threats therefore rise to the level of persecution.

During the attacks, large crowds used “significant physical force against [Mr. CLIENT’s] body” with bats and other implements, leaving Mr. CLIENT with cuts and severe

bruising throughout his body. *Stanojkova*, 645 F.3d at 948 (emphasis omitted). The Board of Immigration Appeals and the Seventh Circuit have held that similar forms of violence meet the standard of persecution. *See, e.g., Vaduva v. Immigr. and Nat. Serv.*, 131 F.3d 689, 690 (7th Cir. 1997) (“There is no dispute that the Board reasonably concluded [Applicant] . . . suffered at least one instance of . . . persecution . . . [when] he was beaten up (he was punched, his face bruised, and his finger broken) by strangers.”). Thus, the attacks are instances of persecution.

There is no reasonable dispute regarding the motivations of Mr. CLIENT’s attackers. As described in the affidavit and corroborated by witness accounts, the mobs explicitly attacked Mr. CLIENT and the other gay men on account of their sexual orientation. They shouted “Homosexuals, we must kill them,” asserted that they were “cleansing the community” of gays, and left graffiti on the walls of Mr. CLIENT’s house reading “Homosexuals, pack and leave!”

“Persecution is something a government does, either directly or by abetting (and thus becoming responsible for) private discrimination by throwing in its lot with the deeds or by providing protection so ineffectual that it becomes a sensible inference that the government sponsors the misconduct.” *Hor v. Gonzales*, 400 F.3d 482, 485 (7th Cir. 2005). The COUNTRY government has done both. It threw in its lot with the attackers’ deeds by criminalizing any expression of homosexuality, thereby signaling to the public that attacks against gay individuals would go unpunished. It provided ineffectual protection by failing to protect Mr. CLIENT and his fellow victims and arrest their attackers. Moreover, instead of arresting the perpetrators, the police arrested and abused the victims of the crime. Thus, the attacks were

carried out by private actors the government was unwilling to control, and the two mob attacks are past persecution supporting Mr. CLIENT's application for asylum.

v. Arrest and abuse by the police

The arrest and abuse of Mr. CLIENT by the police following the attacks support his showing of past persecution. "Conduct that 'might cross the line from harassment to persecution include[s]: 'detention, arrest, interrogation, prosecution, imprisonment, illegal searches, . . . beatings, or torture.'"" *Tuhin v. Ashcroft*, 60 F. App'x 615, 619 (7th Cir. 2003) (citation omitted). Mr. CLIENT was arrested, stripped, beaten, and humiliated, all because he is gay. The Seventh Circuit has "repeatedly described 'persecution' as 'punishment or the infliction of harm for . . . reasons that this country does not recognize as legitimate.'" *Id.* at 618–19 (citations omitted). This country does not recognize sexual orientation as a legitimate reason for infliction of harm. *See Velasquez-Banegas v. Lynch*, 846 F.3d 258, 262 (7th Cir. 2017); *see also Lawrence v. Texas*, 539 U.S. 558 (2003).

The beatings—which included caning and slapping in the face—and harassment of Mr. CLIENT by the police rise to the level of persecution. The Seventh Circuit has held that a two-day-long arrest that included severe beating and mockery by the police constituted persecution. *Irasoc v. Mukasey*, 522 F.3d 727, 728–30 (7th Cir. 2008) ("While it is true that Irasoc did not suffer permanent injuries . . . Irasoc has established past persecution"). Mr. CLIENT was beaten and harassed by police, forced to remove his clothing, and denied food even though he was arrested in the afternoon and released at one o'clock in the morning.

Mr. CLIENT was arrested by the police—government actors—on account of his sexual orientation. One officer told Mr. CLIENT that he was a “shame” to his tribe and another stated that god does not answer COUNTRY’s prayers because of gay men. Additionally, Mr. CLIENT’s fellow arrestee was forced to reveal his anus and mocked for his homosexuality, making clear the reason for the victims’ arrest.

The Seventh Circuit has clarified that “[t]here is no requirement . . . that a person must endure repeated beatings and physical torment in order to establish past persecution. . . . [T]he number of times that an applicant has been subjected to physical abuse ‘is merely one variable in the analysis of the whole of the petitioner’s claim of past persecution.’” *Gomes v. Gonzales*, 473 F.3d 746, 754 (7th Cir. 2007) (citation omitted). Mr. CLIENT was able to evade further police persecution and abuse by nonstate actors by utilizing a secretive network of LGBT friends, avoiding hospitals when he was injured, and remaining indoors during the daytime. His success in avoiding physical harm does not weigh against a finding of past persecution. Indeed, living in daily fear of arrest and harm is itself a form of persecution. *See Pathmakanthan v. Holder*, 612 F.3d 618, 623–24 (7th Cir. 2010).

vi. Inability to receive medical care in a hospital

As a result of COUNTRY’s laws banning homosexuality, Mr. CLIENT was unable to receive medical treatment for his injuries at a hospital. Reasonable fear of utilizing hospital services for fear of being outed as gay and victimized as a result can form the basis of a showing of persecution. *Velasquez-Banegas*, 846 F.3d at 259–60. In *Velasquez-Banegas*, the Seventh Circuit vacated the deportation to Honduras of an HIV-positive man who reasonably

feared that, if he sought treatment at a hospital in Honduras, he would be outed as a presumed gay man and subjected to violence and abuse by members of the public in Honduras. *Id.* If these hospitals are government-owned, as many are in COUNTRY, “the ‘outing’ . . . by the hospital might well be deemed explicit governmental persecution of presumed homosexuals.” *Id.* at 260.

vii. Threats by coworkers and family members

The death threats that Mr. CLIENT received from his brother H., his brother F., his mother, and his coworker on account of his sexual orientation rise to the level of persecution. An “example of persecution that does not involve actual physical contact is a credible threat to inflict grave physical harm.” *Stanojkova*, 645 F.3d at 948. Mr. CLIENT’s coworker threatened to organize a mob to kill him, and that same day the coworker’s friends texted Mr. CLIENT photographs of his home accompanied by death threats. Since it was highly publicized that Mr. CLIENT had just been attacked by mobs, and since mob violence against gay men is widespread in COUNTRY, his coworker’s threat was credible.

H.’s threats were credible as well. He searched for Mr. CLIENT when he was in hiding after the NEIGHBORHOOD attacks and was able to discover his precise location even though Mr. CLIENT had fled to a different state. Mr. CLIENT was able to evade his brother only by continually changing his location and hiding indoors during the daytime.

Mr. CLIENT’s coworker and brothers explicitly threatened Mr. CLIENT because he was gay. Mr. CLIENT’s coworker stated that he was being punished by god for eating with

a gay man and that he must kill Mr. CLIENT to regain god's trust. H. told Mr. CLIENT that he was a shame to the family because he is gay.

Mr. CLIENT is not required to show that he asked the police for assistance in order to show that the government was unable or unwilling to control his brothers and coworker. *Matter of S-A-*, 22 I&N Dec. 1328, 1335 (B.I.A. 2000) (holding that applicant established asylum eligibility even though she did not request governmental protection from persecution by nongovernment actors because the evidence demonstrated that doing so would have been futile). In addition to Mr. CLIENT's specific experience with the police after the NEIGHBORHOOD attacks, conditions in COUNTRY show that asking the police for assistance would have been futile, since police routinely arrest and extort gay men and fail to protect them from violence by others.

viii. Conclusion

When determining whether an applicant has shown past persecution, "frequency and intensity of the episode(s) are variables in the analysis, [and] even a single incident can reflect past persecution as long as the specifics reveal the severity of the particular situation." *Irasoc*, 522 F.3d at 730 (citations omitted). Abuse and harassment must be considered "[i]n the aggregate." *Matter of O-Z- & I-Z-*, 22 I&N Dec. 23, 25-26 (B.I.A. 1998).

Mr. CLIENT's story reflects a pattern of frequent incidents of abuse with varying degrees of intensity on the basis of his sexual orientation. Mr. CLIENT's story includes both individual events that rise to the level of persecution and events that, taken together, rise to the level of persecution. The incidents reflect a pattern of credible threats, bodily harm

inflicted by state and nonstate actors, absence of state protection from harm by nonstate actors, and non-physical harm that rise to the level of persecution.

C. Mr. CLIENT is entitled to a presumption of having a well-founded fear of future persecution because he has established past persecution.

“An applicant who has been found to have established . . . past persecution shall also be presumed to have a well-founded fear of persecution on the basis of the original claim.” 8 C.F.R. § 208.13(b)(1) (2021). Since Mr. CLIENT has established that he has suffered past persecution, he is presumed to have a well-founded fear of future persecution as well, as required for asylum eligibility under the INA. 8 U.S.C. § 1101(a)(42)(A).

The government can rebut this presumption by demonstrating by a preponderance of the evidence that circumstances have fundamentally changed in COUNTRY or that Mr. CLIENT could reasonably avoid future persecution by relocating within COUNTRY. 8 C.F.R. § 208.13(b)(1)(i)–(ii) (2021). The government cannot meet this burden because gay men continue to be persecuted throughout the entire country. Additionally, Mr. CLIENT’s brother threatened to kill him even after his arrival in the United States and was able to locate him in a different state in COUNTRY. Thus, Mr. CLIENT is eligible for asylum.

As discussed above, [SUMMARY OF COUNTRY CONDITIONS OMITTED].

Furthermore, Mr. CLIENT’s brother is able to locate him in distant parts of the country such that no place in COUNTRY is safe for him. Mr. CLIENT’s Facebook account was hacked years after the NEIGHBORHOOD attack, when he was in the United States, and his private messages were revealed. This could happen if Mr. CLIENT were in COUNTRY, exposing his

location. Additionally, Mr. CLIENT was filmed during the NEIGHBORHOOD attacks, and the Facebook hack reveals that he remains a target. If he returns to COUNTRY, Mr. CLIENT will be at risk from individuals searching for him no matter where he resides. Any return to COUNTRY poses a significant risk to Mr. CLIENT's life and safety.

D. Mr. CLIENT has an independent well-founded fear of future persecution because of his sexual orientation.

Mr. CLIENT can also demonstrate that he has a well-founded fear of future persecution on account of his sexual orientation. 8 C.F.R. § 208.13(b)(2) (2021). An applicant "can affirmatively demonstrate a well-founded fear of persecution if his fear is subjectively genuine and objectively reasonable in light of credible evidence." *Capric v. Ashcroft*, 355 F.3d 1075, 1084–85 (7th Cir. 2004) (citations omitted).

"The subjective fear component turns largely upon the applicant's own testimony and credibility." *Id.* at 1085. "A credibility analysis assesses the applicant's claim only for internal consistency, detail, and plausibility, typically demonstrated by background evidence concerning general country conditions, if available." *Id.*

An applicant can establish an objectively reasonable fear in two ways, each of which is sufficient. First, he can show that there is a "reasonable possibility" that he will suffer persecution if he is returned to his country of origin due to his individual circumstances. 8 C.F.R. § 208.13(b)(2)(i) (2021), *Kllokoqi v. Gonzales*, 439 F.3d 336, 345 (7th Cir. 2005). As the Supreme Court has noted, a "reasonable possibility" can be as low as a one in ten chance of future persecution. *Immigr. and Nat. Serv. v. Cardoza-Fonseca*, 480 U.S. 421, 440 (1987).

Second, an applicant can show that there is a pattern or practice in his country of origin of persecution of the group to which he belongs. 8 C.F.R. § 208.13(b)(2)(iii) (2021). “To constitute a pattern or practice of persecution, the persecution of a protected group must be a ‘systematic, pervasive, or organized effort to kill, imprison, or severely injure members of the protected group, and this effort must be perpetrated or tolerated by state actors.” *Ingmancito v. Mukasey*, 550 F.3d 646, 651 (7th Cir. 2008) (citation omitted); see also *Bromfield v. Mukasey*, 543 F.3d 1071, 1077–78 (9th Cir. 2008) (finding a pattern or practice of persecution of gay men in Jamaica where the government continued to support anti-homosexuality laws and failed to protect gay individuals from persecution by private actors).

Mr. CLIENT has demonstrated a well-founded fear of future persecution on account of his sexual orientation that is both objectively reasonable and subjectively genuine.

It is reasonably possible that Mr. CLIENT would be singled out individually for persecution were he to be returned to COUNTRY. As a result of the publicity surrounding the NEIGHBORHOOD attacks, Mr. CLIENT is known to be gay. Thus, Mr. CLIENT would be unable to hide his sexual orientation and would be at risk of violence and arrest. Moreover, individuals who knew Mr. CLIENT are still searching for him and threatening him. Since he left COUNTRY, Mr. CLIENT’s Facebook account has been hacked and his private messages and photos revealing his sexual orientation were sent to his mother. Mr. CLIENT still faces a significant risk of harm from his brothers and mother. Thus, there is a reasonable possibility that Mr. CLIENT will face physical persecution if he is returned to COUNTRY.

Moreover, even if he were able to hide his sexual orientation, the inability to be open about one's sexual orientation is non-physical harm that rises to the level of persecution. "The law does not require people to hide characteristics like religion or sexual orientation" when determining whether an applicant faces a risk of future persecution. *Velasquez-Banegas*, 846 F.3d at 262.

The Seventh Circuit has rejected social visibility analysis of membership in a particular social group. *Gatimi v. Holder*, 578 F.3d 611, 615 (7th Cir. 2009) (holding that the social visibility criterion "cannot be squared with" prior Seventh Circuit rulings and collecting cases). Specifically, the possibility of concealing one's sexual orientation and thereby avoiding persecution is not a consideration in asylum and withholding analysis. *Velasquez-Banegas*, 846 F.3d at 262. In that case, the court analogized sexual orientation to religion. *Id.* Just as "it is virtually the definition of religious persecution that the votaries of a religion are forbidden to practice it," *Bucur v. Immigr. and Nat. Serv.*, 109 F.3d 399, 405 (7th Cir. 1997), it is persecution to forbid gay individuals to live consistent with their sexual orientation.

There is also a pattern or practice of persecution of gay men in COUNTRY.
[SUMMARY OF COUNTRY CONDITIONS OMITTED].

III. Mr. CLIENT filed his asylum within one year of his entry into the United States.

[OMITTED]

IV. Mr. CLIENT merits a favorable exercise of discretion.

[OMITTED]

Applicant Details

First Name **Laura**
 Last Name **Sorice**
 Citizenship Status **U. S. Citizen**
 Email Address lcs456@nyu.edu
 Address

Address
Street
111 Newel Street
City
Brooklyn
State/Territory
New York
Zip
11222
Country
United States

Contact Phone Number **732-425-0463**

Applicant Education

BA/BS From **University of Pennsylvania**
 Date of BA/BS **May 2016**
 JD/LLB From **New York University School of Law**
<https://www.law.nyu.edu>
 Date of JD/LLB **May 22, 2019**
 Class Rank **School does not rank**
 Law Review/Journal **Yes**
 Journal(s) **NYU Journal of Legislation & Public Policy**
 Moot Court Experience **No**

Bar Admission

Admission(s) **New York**

Prior Judicial Experience

Judicial Internships/
 Externships **No**

Post-graduate Judicial Law Clerk **No**

Specialized Work Experience

Recommenders

Burns, Sarah
burns@mercury.law.nyu.edu
212-998-6464

Akowuah, Kwaku
KAKOWUAH@sidley.com
2027368739

Loughnane, Joan
jloughnane@sidley.com

This applicant has certified that all data entered in this profile and any application documents are true and correct.

March 01, 2022

The Honorable Lewis Liman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1620
New York, NY 10007-1312

Dear Judge Liman:

I am writing to apply for a 2024-2025 clerkship with your chambers. I graduated from New York University School of Law in 2019, and I am currently a third year associate at Sidley Austin LLP where I practice in the firm's Litigation and Data Privacy and Cybersecurity groups.

As a litigator at Sidley, I have been entrusted with significant drafting responsibilities for a multidistrict litigation, and as the sole associate on a series of consumer arbitrations, I have been responsible for drafting various motions, including a motion to dismiss. I am also the lead associate on a pro bono representation of a formerly incarcerated plaintiff challenging the state of New York's solitary confinement practices.

While my practice has spanned a variety of subject matters, I have found a passion for my work in data privacy and cybersecurity. This passion became apparent during the course of my legal studies as an NYU Law Cyber Scholar. Through this scholarship program, I was given the opportunity to engage in independent legal research and writing on the effect of emerging technologies on constitutional law. In addition, I completed coursework in NYU's Tandon School of engineering where I was exposed to the interdisciplinary role the law plays in civil society.

My resume, unofficial transcript, and writing sample are submitted with this application. My recommendations are submitted by NYU Law Professor of Clinical Law Sarah Burns, my instructor in NYU's Reproductive Justice Clinic (burns@exchange.law.nyu.edu; 212-998-6464) and Sidley Austin LLP Partners Joan Loughnane (jloughnane@sidley.com; 212-839-5567) and Kwaku Akowuah (kakowuah@sidley.com; 202-736-8739) under separate cover.

I welcome the opportunity to interview with you, and look forward to hearing from you soon.

Sincerely,

/s/ Laura C. Sorice
Laura C. Sorice

LAURA C. SORICE

Email: lbs456@nyu.edu | Phone: (732) 425-0463 | LinkedIn: <https://www.linkedin.com/in/laura-sorice/>

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY

J.D., May 2019

Honors:

NYU Cyber Scholarship Recipient

Journal of Legislation and Public Policy, Senior Articles Editor

Jeannie Forrest Women in Leadership Convocation Award

Activities:

Research Assistant and Clinical Student, Reproductive Justice Clinic

Research Assistant, Professor Katherine Strandburg, Information Law Institute

Teaching Assistant, Professor Angela Gius, Lawyering

Law Women, Co-President

First Generation Professionals, Professional Development Co-Chair

Student-Faculty Committee on Lawyering Personnel, Student Representative

UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA

B.A. in Political Science, *magna cum laude*, May 2016

Senior Thesis:

Identity and Offensive Speech: A Study of Public Opinion on Freedom of Expression

Honors:

Student Speaker, College of Arts and Sciences Graduation

Penn Student Agencies Ivy Day Senior Award

Activities:

Student Committee on Undergraduate Education, Chair

Chi Omega Fraternity, Vice President

Study Abroad:

Società Dante Alighieri, Venice, Italy, Summer 2013

EXPERIENCE

SIDLEY AUSTIN LLP, New York, NY

Associate, Litigation, Privacy & Cybersecurity, September 2019-Present; *Summer Associate*, Summer 2018

Represent a variety of clients—including telecommunications companies, financial institutions, and technology start-ups—in litigation, government investigations, and cybersecurity compliance matters. Litigate complex commercial disputes, including consumer class actions, related to breach of customer data, defamation, and libel. Arbitrate consumer claims related to breach of contract and tort. Provide crisis management and legal compliance services to companies responding to data security incidents. Draft dispositive and non-dispositive motions, including a motion to dismiss, on behalf of clients to be filed in federal court, state court, and in arbitration. Draft consumer privacy policies for corporations and start-ups. Represent pro bono clients in matters related to prisoner's rights, privacy of jury members, and reproductive rights. Contribute writing to Sidley Austin's Data Matters blog.

UNITED STATES ATTORNEY'S OFFICE FOR THE EASTERN DISTRICT OF NEW YORK, Brooklyn, NY

Legal Intern, Civil Division, Summer 2017

Conducted legal research, participated in civil depositions, and assisted in trial preparation, including preparing witnesses for trial and creating direct examination and cross examination outlines.

THE BROOKINGS INSTITUTION, Washington, DC

Research Assistant, Governance Studies Program, Summer 2015

OFFICE OF THE DISTRICT ATTORNEY OF THE CITY OF PHILADELPHIA, Philadelphia, PA

Intern, Central District Trial Division, January 2015-May 2015

FOUNDATION FOR INDIVIDUAL RIGHTS IN EDUCATION, Philadelphia, PA

Intern, Summer 2014

Name: Laura C Sorice
 Print Date: 11/01/2021
 Student ID: N17407258
 Institution ID: 002785
 Page: 1 of 2

New York University
 Beginning of School of Law Record

Degrees Awarded

05/22/2019

ASPIRE Scholarship Seminar
 Instructor: Zachary K Goldman

LAW-LW 12570 1.0 CR

Current 16.0 16.0
 Cumulative 46.0 46.0

Juris Doctor
 School of Law
 Major: Law

Fall 2016

School of Law
 Juris Doctor
 Major: Law
 Lawyering (Year) LAW-LW 10687 2.5 CR
 Instructor: Angela M Gius
 Torts LAW-LW 11275 4.0 B
 Instructor: Christopher Tarver Robertson
 Procedure LAW-LW 11650 5.0 B+
 Instructor: Samuel Issacharoff
 Contracts LAW-LW 11672 4.0 B-
 Instructor: Florencia Marotta
 1L Reading Group LAW-LW 12339 0.0 CR
 Topic: The Supreme Court and the
 Instructor: John Sexton

AHRS 15.5
 EHRS 15.5
 Current 15.5
 Cumulative 15.5

Spring 2017

School of Law
 Juris Doctor
 Major: Law
 Lawyering (Year) LAW-LW 10687 2.5 CR
 Instructor: Angela M Gius
 Legislation and the Regulatory State LAW-LW 10925 4.0 B
 Instructor: Deborah C Malamud
 Criminal Law LAW-LW 11147 4.0 B
 Instructor: Stephen J Schulhofer
 1L Reading Group LAW-LW 12339 0.0 CR
 Topic: The Supreme Court and the
 Instructor: John Sexton
 Survey of Intellectual Property LAW-LW 12469 4.0 B+
 Instructor: Katherine J Strandburg

AHRS 14.5
 EHRS 14.5
 Current 30.0
 Cumulative 30.0

Fall 2017

School of Law
 Juris Doctor
 Major: Law
 Information, Security and Privacy CS-GY 6813 3.0 P
 Instructor: Justin Cappos
 Professional Responsibility and the Regulation of Lawyers LAW-LW 11479 2.0 B
 Instructor: Nathan Maxwell Crystal
 Evidence LAW-LW 11607 4.0 B
 Instructor: Daniel J Capra
 Teaching Assistant LAW-LW 11608 0.0 CR
 Instructor: Angela M Gius
 Reproductive Justice Clinic LAW-LW 12261 3.0 A-
 Instructor: Sarah E Burns
 Reproductive Justice Clinic Seminar LAW-LW 12262 3.0 A
 Instructor: Sarah E Burns
 Julie B Ehrlich

Spring 2018

School of Law
 Juris Doctor
 Major: Law
 Teaching Assistant LAW-LW 11608 2.0 CR
 Instructor: Angela M Gius
 Property LAW-LW 11783 4.0 B
 Instructor: Frank K Upham
 Advanced Reproductive Justice Clinic LAW-LW 12333 2.0 A
 Instructor: Sarah E Burns
 Advanced Reproductive Justice Clinic Seminar LAW-LW 12334 2.0 A
 Instructor: Sarah E Burns
 ASPIRE Scholarship Seminar LAW-LW 12570 1.0 CR
 Instructor: Zachary K Goldman
 Randal Scot Milch
 Urban Environmental Law and Policy Seminar LAW-LW 12603 2.0 A-
 Instructor: Danielle H Spiegel
 Katrina M Wyman

AHRS 13.0
 EHRS 13.0
 Current 59.0
 Cumulative 59.0

Fall 2018

School of Law
 Juris Doctor
 Major: Law
 Constitutional Law LAW-LW 11702 4.0 B+
 Instructor: Melissa E Murray
 Technology Law and Policy Clinic LAW-LW 12148 3.0 A
 Instructor: Brett Kaufman
 Jason Michael Schultz
 Technology Law and Policy Clinic Seminar LAW-LW 12149 3.0 A
 Instructor: Brett Kaufman
 Jason Michael Schultz
 Cybersecurity Law and Technology Seminar LAW-LW 12535 2.0 A
 Instructor: Nasir Memon
 Randal Scot Milch
 Cybersecurity Scholars Workshop LAW-LW 12570 1.0 CR
 Instructor: Randal Scot Milch

AHRS 13.0
 EHRS 13.0
 Current 72.0
 Cumulative 72.0

Spring 2019

School of Law
 Juris Doctor
 Major: Law
 Network Security CS-GY 6823 3.0 P
 Instructor: Damon Liwanu McCoy
 Survey of Securities Regulation LAW-LW 10322 4.0 CR
 Instructor: James B Carlson
 Journal of Legislation and Public Policy LAW-LW 10621 2.0 CR
 Human Rights, Civil Society, and the Internet in LAW-LW 12493 2.0 B+
 China Seminar
 Instructor: Sharon Hom
 Cybersecurity Scholars Workshop LAW-LW 12570 1.0 CR
 Instructor: Nasir Memon
 Randal Scot Milch

Name: Laura C Sorice
Print Date: 11/01/2021
Student ID: N17407258
Institution ID: 002785
Page: 2 of 2

	AHRS	EHR
Current	12.0	12.0
Cumulative	84.0	84.0
Staff Editor - Journal of Legislation & Public Policy 2017-2018		
Senior Articles Editor - Journal of Legislation & Public Policy 2018-2019		
Jeannie Forrest Women in Leadership Award		
End of School of Law Record		

Unofficial

11/1/21, 11:14 AM

Unofficial Transcript and GPA

This page printed on 11/01/2021 11:13:57 AM

[Home](#) | [Mobile](#) | [HELP](#) | [Student Registration and Financial Services](#) | [Campus Express](#) | [PennPortal](#) | [Contact Us](#)[Log out](#)**Unofficial Transcript and GPA for Sorice, Laura C**

Your complete academic record is displayed below. Please note that transcripts are not updated in real time; please select 'View grades' under 'Academic records' for the most up-to-date information.
To order an official transcript select 'Order transcripts' under 'Academic records' from the menu on the left.

Unofficial Transcript as of: 11/01/21 11:13:15 AM

AT THE UNDERGRADUATE LEVEL
***** ACADEMIC PROGRAM *****

Admitted From: OLD BRIDGE HIGH SCHOOL

School: ARTS & SCIENCES
Division: COLLEGE OF ARTS & SCIENCES
Degree Program: BACHELOR OF ARTS
Major: POLITICAL SCIENCE
Concentration: AMERICAN POLITICS
Minor: ITALIAN STUDIES
Second Minor: URBAN STUDIES

***** DEGREES AWARDED *****

05-16-16 BACHELOR OF ARTS
MAGNA CUM LAUDE
WITH DISTINCTION IN POLITICAL SCIENCE

***** HONORS *****

Dean's List 2013-14 2014-15 2015-16

***** UNIVERSITY OF PENNSYLVANIA COURSE WORK *****

Fall 2012 COLLEGE OF ARTS & SCIENCES
 ECON 001 INTRO ECON MICRO 1.00 CU C
 ITAL 130 INTERMEDIATE ITALIAN I 1.00 CU A-
 PSCI 232 INTRO TO POLITICAL COMM 1.00 CU B
 WRIT 076 WRITING SEMINAR IN PSCI:
 SOCRAT METHD & DEMOCRACY 1.00 CU B+
 Term Statistics: 4.00 CU GPA 3.00
 Cumulative: 4.00 CU GPA 3.00

Spring 2013 COLLEGE OF ARTS & SCIENCES
 COLL 135 The Art of Speaking: Comm Within
 the Curriculum Speaking Advisor
 Training 1.00 CU A
 ITAL 140 INTERMEDIATE ITALIAN II 1.00 CU A
 PSCI 234 CIV RIGHTS/CIV LIBERTIES 1.00 CU B+
 URBS 206 THE PUBLIC ENVIRONMENT OF CITIES:
 AN INTRO TO THE URBAN LANDSCAPE
 1.00 CU A-
 Term Statistics: 4.00 CU GPA 3.75
 Cumulative: 8.00 CU GPA 3.38

Summer 2013 COLLEGE OF ARTS & SCIENCES
 ITAL 220 Streets of Venice, Words of Italy:
 Penn-in-Venice 1.00 CU A-
 ITAL 297 Survey of Italian History and
 Culture: Penn-in-Venice 1.00 CU A+
 Term Statistics: 2.00 CU GPA 3.85
 Cumulative: 10.00 CU GPA 3.47

Fall 2013 COLLEGE OF ARTS & SCIENCES
 GAFL 509 Who Gets Elected and Why 1.00 CU B+
 ITAL 203 ITALIAN LITERATURE 1.00 CU A-
 MATH 170 IDEAS IN MATHEMATICS 1.00 CU A
 PSCI 181 MODERN POLITICAL THOUGHT 1.00 CU A-
 URBS 178 URB UNIV-COMMUNITY REL:
 FACULTY/STUDENT COLLABORATIVE
 ACTION SEMINAR 1.00 CU A-
 (Benjamin Franklin Seminar)
 Term Statistics: 5.00 CU GPA 3.68
 Cumulative: 15.00 CU GPA 3.54

Spring 2014 COLLEGE OF ARTS & SCIENCES
 GEOL 130 OCEANOGRAPHY: Oceanography: Oceans
 & Climate 1.00 CU B
 (Quantitative Data Analysis Course)
 ITAL 180 ITAL CONVER IN RESIDENCE 0.50 CU A
 ITAL 581 Jews in 20th-Century Italian
 Literature 1.00 CU A
 PSCI 130 INTRO TO AMER POLITICS 1.00 CU A
 PSCI 240 RELIGION & US PUBLIC POL 1.00 CU A+
 PSCI 498 ELECTION LAW 1.00 CU A-
 Term Statistics: 5.50 CU GPA 3.76
 Cumulative: 20.50 CU GPA 3.60

<https://pennintouch.apps.upenn.edu/pennInTouch/jsp/fast2.do?fastButtonId=U5BQ7J5J>

1/2

11/1/21, 11:14 AM

Unofficial Transcript and GPA

Fall 2014 COLLEGE OF ARTS & SCIENCES

BIOL	011	HUMANS IN MICROBIAL WRLD	1.00	CU	A
EDUC	345	PSYCHOLOGY OF PERSONAL GROWTH	1.00	CU	A
GSWS	149	LAW SOC POL SEX REPRO: Women, Gender, Sexuality and the Law	1.00	CU	A
ITAL	300	Vernacular Science	1.00	CU	A
		Term Statistics:	4.00	CU	GPA 4.00
		Cumulative:	24.50	CU	GPA 3.67

Spring 2015 COLLEGE OF ARTS & SCIENCES

ITAL	300	Food in Italian Culture: From Court Banquets to Food Trucks	1.00	CU	A
PSCI	433	SOCIAL MOVEMENTS	1.00	CU	A
URBS	300	FIELDWORK	2.00	CU	A
		Term Statistics:	4.00	CU	GPA 4.00
		Cumulative:	28.50	CU	GPA 3.71

Fall 2015 COLLEGE OF ARTS & SCIENCES

COLL	098	Penn-In-Washington Summer Program	1.00	CU	P
PSCI	267	Russia and Eastern Europe in International Affairs	1.00	CU	A-
PSCI	497	POLITICAL SCIENCE HONORS	1.00	CU	A
RELS	013	GODS, GHOSTS, & MONSTERS	1.00	CU	A
		Term Statistics:	4.00	CU	GPA 3.90
		Cumulative:	32.50	CU	GPA 3.73

Spring 2016 COLLEGE OF ARTS & SCIENCES

ITAL	581	The Holocaust - Representation and Silence	1.00	CU	A+
PSCI	499	INDEPENDENT STUDY: "THE FIRST AMENDMENT AND IDENTITY POLITICS"	1.00	CU	A+
URBS	405	RELIGION, SOCIAL JUSTICE & URBAN DEVELOPMENT	1.00	CU	A
		Term Statistics:	3.00	CU	GPA 4.00
		Cumulative:	35.50	CU	GPA 3.75
		Equivalent Credit:	1.00	CU	
		Total Credit:	36.50	CU	

*** * * * * PENN EQUIVALENT CREDIT * * * * ***

Advanced Placement Credit:	HIST	42	1.00	CU
Total Penn Equivalent Credit Awarded:			1.00	CU

*** * * * * NO ENTRIES BEYOND THIS POINT * * * * ***



SARAH E. BURNS
Reproductive Justice Clinic
Professor of Clinical Law

NYU School of Law
 245 Sullivan Street, 507
 New York, NY 10012
 P: 212 998 6464
 F: 212 995 4031
 burns@mercury.law.nyu.edu

February 25, 2022

RE: Clerkship Recommendation for Laura Sorice NYU Law '19

Dear Judge:

It is my pleasure to recommend Laura Sorice for a clerkship in your chambers. Ms. Sorice is highly intelligent, disciplined, and has an agile legal mind. She also is a collaborative and hardworking team member. I enjoyed every aspect of teaching and working with Ms. Sorice and recommend her with great enthusiasm.

I taught and supervised Ms. Sorice in my position as Professor of Clinical Law and Director of the Reproductive Justice Clinic at New York University School of Law (the "Clinic"). Ms. Sorice took the Clinic in Fall 2017 and Spring 2018. I met weekly with Ms. Sorice in a 150 minute seminar where we discussed case law, and in a small group meeting where we discussed issues that she and her teammates encountered in their legal fieldwork, which consisted of legal projects undertake for partner organizations working on issues of reproductive freedom and justice.

Ms. Sorice gave an outstanding performance in the seminar. She was always well prepared and regularly participated in classroom discussion. She is a thoughtful listener who is methodical in her thinking and in her explanations of legal issues. Her contributions were sophisticated, incisive, and fostered a respectful and thoughtful classroom and teamwork environment.

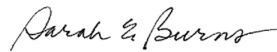
In fieldwork, Ms. Sorice excelled. She was meticulous, practical, and stood out for the solid judgment and perspective she brings to the law. Her fieldwork involved two related undertakings. One was managing a project to obtain information on abortion access from various state prisons and jails under the states' freedom of information law. She showcased an already well-developed ability to manage a multi-part project from its inception to its end. The second undertaking was work on a memorandum advising our participating partner organization on law relating to abortion access for incarcerated people and analyzing different decisions under *Turner v. Safley*, 482 U.S. 78 (1987), *Monmouth County Correctional Institution Inmates v. Lanzaro*, 834 F.2d 326 (3d Cir. 1987), and the Eighth Amendment to the U.S. Constitution. Ms. Sorice provided sophisticated legal analysis in this aspect of her work.

Clerkship Recommendation for Laura Sorice
February 25, 2022
Page 2

For part of her seminar participation Ms. Sorice presented on her fieldwork during which she led a class on healthcare for incarcerated persons with a special emphasis on the manner in which some states address inmates' need for access to abortion. She was excellent at explaining complex legal topics and theorizing the strengths and weaknesses of possible litigation strategies to improve health access for the incarcerated.

Ms. Sorice's excellent legal research and writing skills, coupled with her exemplary character and collegiality, would make her a valuable asset in a clerkship. If you have any questions regarding Ms. Sorice or her work, I would be pleased to speak with you. I can be reached by email, sarah.burns@nyu.edu, and by phone, (845) 820-1671. Thank you.

Sincerely,



Sarah E. Burns

April 04, 2022

The Honorable Lewis Liman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 701
New York, NY 10007-1312

Dear Judge Liman:

Dear Judge:

I write to give my enthusiastic support to the application of Laura Sorice for a position as a law clerk in your chambers. Laura is a litigation associate in the New York office of Sidley Austin LLP, where I am a partner. I have worked closely with Laura over the past year and a half, and have found her to be a very bright and very hard working young lawyer who consistently takes the initiative and exercises excellent judgment. As a former District Court law clerk, and having served as an Assistant U.S. Attorney for over fifteen years, I believe that Laura has the skills and personality to be an excellent law clerk.

I have worked with Laura on two separate matters. The first is an internal investigation and response to a regulator for a financial services company facing an inquiry into its cybersecurity program. The matter has the attention of the company's senior leaders, and there is real urgency to understand the facts and get to the bottom of things.

Laura was assigned to the matter from the beginning, as the junior associate on the team. From the start, she proved through her hard work and skill to be very valuable to our efforts, and as a result her responsibilities grew at each phase of our work. Laura initially was involved in reviewing documents; she consistently raised key documents to our attention, and demonstrated a keen understanding of the issues in the case and the ability to distinguish facts and pieces of evidence that were important to our investigation from those that were not. Based on that strong work, we asked Laura to take on larger roles, including drafting significant portions of a series of memoranda which synthesize the facts we were gathering and apply the relevant, still-evolving legal standards. Laura did an excellent job, especially given her relatively junior level of experience. In countless internal meetings, other senior lawyers and I rely on Laura to tell us what the documents show and what the witnesses are able to tell us. Laura has made herself indispensable to our team.

The second matter I have worked with Laura on was the representation of a witness in a recent, politically sensitive investigation. Laura was the only associate I asked to work on the matter. Throughout our work, Laura demonstrated two other critical qualities: initiative and excellent judgment. Laura excels at driving things forward and simply getting things done. That was particularly important in this representation, which moved quickly and on which she was the only associate. She also has great judgment; she consistently flagged potentially thorny issues for discussion, and she effectively applied the decisions we came to on those issues to other portions of the matter. Finally, Laura was a great sounding board in a sensitive case; she is always thoughtful and I valued her opinion as we faced decisions along the way.

In my interactions with Laura, several qualities come through, time and again: her work ethic, her insightfulness, and her ability to produce high-quality work product quickly. For all of these reasons, she is a highly sought-after junior associate for matters in our group. I have great confidence in her ability, and will continue to rely on her heavily in the future.

In addition, Laura is a pleasure to work with. She is friendly, enthusiastic, and a great team player. I have never seen her turn down an assignment or fail to assist a colleague in need. She is also a self-starter, and can be counted on to work independently or with others to successfully complete any project. Simply put, she is a great co-worker.

In summary, I strongly recommend Laura Sorice for a position as a law clerk. I am sure she will be a great asset to your work and a pleasure to have in your chambers. If you have any questions about Laura or I can be of any further assistance in your review of her application, please feel free to contact me at jloughnane@sidley.com or 212-839-5567.

Sincerely,

/s/ Joan M. Loughnane
Joan M. Loughnane

Joan Loughnane - jloughnane@sidley.com

Laura C. Sorice

Writing Sample

Note Regarding Writing Sample:

The following writing sample has been adapted from a draft of a Motion to Dismiss brief filed with the American Arbitration Association on behalf of a client of Sidley Austin, LLP. All names, including the name of the claimant and represented client in this matter, have been changed to fictitious individuals or entities. Accordingly, direct quotations from the complaint or governing contracts may not be attributed to any actual individual or company.

The original draft from which this writing sample was adapted was edited by partners of Sidley Austin, LLP Colleen T. Brown and Kwaku Akowuah prior to filing with the American Arbitration Association. This writing sample has not been significantly edited, but it has been reviewed by Kwaku A. Akowuah for (1) confirmation that its contents do not reveal any confidential information related to a client of Sidley Austin, LLP and (2) limited feedback on written content.

This writing sample represents my own work. Please feel free to reach out to Kwaku Akowuah at the email address listed below for confirmation regarding this note.

Kwaku A. Akowuah
kakowuah@sidley.com

Laura C. Sorice

Writing Sample

AMERICAN ARBITRATION ASSOCIATION

Robin Bern,	)	CASE NO. XX-XX-XXXX
Claimant,)	
	)	ABC COMPANY, INC.'S MOTION TO
v.	)	DISMISS COMPLAINT ALLEGING:
)	
	)	(1) NEGLIGENCE
ABC Food, Inc.	)	(2) VIOLATION OF CAL. BUS. &
Respondent.	)	PROF. CODE § 17200
	)	(3) BREACH OF IMPLIED CONTRACT
	)	(4) UNJUST ENRICHMENT
	)	(5) PUBLIC DISCLOSURE OF PRIVATE
	)	FACTS
	)	(6) VIOLATION OF CALIFORNIA
	)	CONSUMER PRIVACY ACT
	)	(7) VIOLATION OF CONSUMER
	)	LEGAL REMEDIES ACT

MOTION TO DISMISS COMPLAINT

Laura C. Sorice

Writing Sample

I. INTRODUCTION

Claimant Robin Bern asserts seven claims against Respondent ABC Food, Inc. (“ABC”), all of which fail as a matter of law.

Claimant seeks to recover for alleged damages suffered due to a data security incident that ABC disclosed to the public two years ago. When hackers attacked ABC’s systems, they stole the names, email addresses, encrypted passwords, phone numbers, and the last four digits of payment cards of ABC customers. ABC responded with a swift investigation, and as a courtesy to customers (but with no legal obligation), ABC informed customers that it was the victim of a cyber-attack. At the time that the data security incident was disclosed to customers, the law was already abundantly clear regarding the inability of Claimant to succeed in her claims: no injury can occur when this type of non-sensitive information is improperly accessed, and therefore, Claimant’s claims cannot survive. Respondent ABC seeks dismissal of this case as a matter of law. Claimant’s claims in tort, in contract, and pursuant to the CCPA and CLRA all fail.

First, Bern’s negligence, unfair competition, and CLRA claims cannot proceed because no injury could have resulted from the data security incident. Without an allegation of harm (Plaintiff does not allege any real damages), these tort claims must fail. Even if Claimant properly alleged harm, Courts have been clear that where no personally identifiable information has been accessed, no legally cognizable harm can occur.

Second, Bern’s breach of implied contract and unjust enrichment claims are defeated because, as Claimant concedes, there is a valid, express contract governing the parties. Both ABC’s Terms and Conditions and Privacy Policy govern ABC’s relationship with Claimant. An implied breach of contract claim cannot be brought where a valid contract governs the subject of

Laura C. Sorice

Writing Sample

the parties' dispute. Nor can the quasi-contract claim of unjust enrichment be brought where a valid contract exists.

Finally, Claimant's allegations of public disclosure of private facts and alleged violations of the CCPA all fail because no private information, including any personally identifiable information as defined by California statute, was compromised. Here, as a direct result of ABC's decision *not* to store certain personally identifiable information on its systems, no personally identifiable information, as defined under CCPA, was impacted. Perhaps more markedly, the only information impacted in the data security incident included information commonly searchable through public directories and disclosed to verify identity.

All claims alleged by Claimant should be dismissed in their entirety.

II. BACKGROUND

ABC provides an innovative grocery delivery service that aims to facilitate access to healthy, organic, and nutritious food for busy American households. Through ABC, subscribers can order a variety of ethically sourced produce and food products, customized for their household's size and preferences, delivered to their doorstep on a weekly basis. ABC delivers millions of comestibles each month, providing subscribers with fresh products and convenient access to whole foods.

Unfortunately, like countless other American businesses, ABC was targeted by cybercriminals. On January 1, 2020, ABC provided notice of a data security incident impacting the following limited customer information: names, emails, encrypted passwords, phone numbers and the last 4 digits of credit card numbers. Additional account information such as delivery preferences and mailing addresses may also have been compromised. As ABC noted in public disclosures concerning the incident on its website and in email notifications to potentially impacted

Laura C. Sorice

Writing Sample

customers, neither full credit or debit card information nor plain text passwords were impacted in this incident. ABC’s public notice of the incident, out of an abundance of caution, also included a recommendation that customers change their ABC passwords, echoing a key statement in ABC’s privacy policy, which ABC customers accept as a condition of using the site: “It is the responsibility of individual customers to select a strong password. It is further the responsibility of individual customers to not reuse or share passwords, and to alert us if you have any concerns about unauthorized use of your account. We encourage you to use complex passwords and to change your password regularly.” Privacy Policy (2020).

ABC is now the Respondent in arbitration against Claimant. Claimant’s allegations fail to plead an injury-in-fact, fail to allege injury traceable to ABC, and fail to state a legally recognizable claim for relief. Claimant’s claims should be dismissed in their entirety.

First, as a facial matter, Claimant lacks standing, and therefore her claims cannot proceed. Claimant fails to allege any injury-in-fact; Article III requires an imminently threatened or actually sustained injury. Claimant *speculates* that a compromise of limited, non-sensitive data has increased her risk of future fraud or identity theft, but she does not identify what particular information she provided to ABC that could have been misused for identity theft. This is because no sensitive personal information – neither full credit card numbers nor readable passwords – was compromised. Any claim of harm Claimant may allege would be purely speculative, as under the public facts related to the incident, no identity theft is reasonably possible.

Second, Claimant fails to facially allege that her injury is “fairly traceable” to ABC, which is a required element of Article III standing. Claimant alleges that the security incident “exposed and publicized private details,” Compl. ¶ 56, but she concedes that the data security incident involved limited information—such as Claimant’s name, email address, phone number, and last 4

Laura C. Sorice

Writing Sample

digits of credit card numbers—information commonly shared in ordinary life, and which are already matters of public record.

Third, even if Claimant had facially alleged a traceable injury-in-fact, she did not, in fact, experience any harm. Claimant asserts to have suffered harm from the security incident, but does not identify any actual loss or harm suffered. Claimant does not allege financial injury; Claimant is not even “sure” whether Claimant’s “financial information” was compromised (it was not) and Claimant provides no basis to believe that it was. More pointedly, Claimant accuses ABC of “moral blame” and of making the false representation that it maintained “good security” practices. Compl. ¶¶ 20, 32. ABC did, however, take clear, public steps to outline the privacy expectations of customers in its Privacy Policy, which discloses appropriate security mechanisms taken by ABC, and in its Terms and Conditions, which disclaim any warranty related to the website. Privacy Policy (2020) (disclosing that ABC “implements and maintains reasonable security practices and procedures that are appropriate to the nature of the information collected and stored by the company. These practices and procedures include appropriate technical, administrative and physical processes to prevent any loss, misuse or alteration of the collected and stored information.”); Terms and Conditions, Page 8 (ABC “makes no warranty that its website will be uninterrupted, timely, secure, or error-free.”).

If Claimant did have standing (and she does not), the Complaint should still be dismissed on the merits. Claimant alleges seven causes of action in her complaint: (1) negligence, (2) violation of Cal. Bus. & Prof. Code § 17200, (3) breach of implied contract, (4) unjust enrichment, (5) public disclosure of private facts, (6) violation of the California Consumer Privacy Act (CCPA), and (7) violation of the Consumer Legal Remedies Act (CLRA). Of these seven causes of action, (1) negligence, (2) violation of Cal. Bus. & Prof. Code § 17200: Unfair Competition

Laura C. Sorice

Writing Sample

Law, (3) breach of implied contract, and (7) violation of the CLRA must be dismissed as a matter of law due to the lack of any cognizable injury to Claimant. The remaining claims fail for equally fundamental reasons. The public disclosure of private facts and CCPA claims lack merit, because of the non-sensitive nature of the information involved. Neither the CCPA nor California tort law gives an individual any right to sue for disclosure of information like the person’s name, address, or *encrypted* password information. Claimant’s unjust enrichment claim is meritless because California law precludes unjust enrichment claims where a written contract controls. Claimant expressly concedes, as she must, that a written contract governs her relationship with ABC.

Established principles of California law thus demonstrate that Claimant’s claims cannot succeed – they are legally deficient at their core. In the interests of efficient case management, the arbitrator should enter an award dismissing Claimant’s claims now, rather than requiring the parties to expend time and money contesting meritless claims that should have never been brought.

III. STANDARD OF REVIEW

California law governs these claims pursuant to the parties’ contract. In California, “[a] [motion to dismiss] tests the sufficiency of the complaint.” *Doe v. MySpace Inc.*, 175 Cal. App. 10 4th 561, 566 (2009); Cal. Civ. Proc. Code§ 430.30. In ruling on a demurrer, the allegations should be considered only to the extent they are “properly pleaded,” and “contentions, deductions [and] conclusions of fact or law” should be ignored. “[A] plaintiff’s obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Gardiner v. Walmart Inc.*, No. 20-CV-04618-JSW, 2021 WL 2520103, at *2 (N.D. Cal. Mar. 5, 2021) (citing *Bell At. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). Nor is a court “required to accept as true allegations that are merely conclusory, unwarranted deductions of fact, or unreasonable inferences.” *Sprewell v. Golden State*

Laura C. Sorice

Writing Sample

Warriors, 266 F.3d 979, 988 (9th Cir. 2001). Legal conclusions “must be supported by factual allegations.” *Ashcroft*, 129 U.S. 664.

IV. ARGUMENT

1. CLAIMANT’S NEGLIGENCE, UNFAIR COMPETITION, AND CLRA CLAIMS FAIL BECAUSE CLAIMANT CANNOT SHOW COGNIZABLE INJURY

As was publicly disclosed following the data security incident, Claimant’s sensitive financial information—and the sensitive information of other customers—was not affected in any way by the security incident. The only customer financial information stored by ABC is the last four digits of a customer’s credit card number. These are the same four digits printed on a receipt every time a user swipes a credit card. Beyond that, Claimant’s complaint fails to identify any legal failing on the part of ABC or any cognizable injury to Claimant. Because the security incident did not involve any of Claimant’s personal sensitive information, Claimant has no injury claim as a matter of law. The absence of any claim of injury renders Claimant’s causes of action negligence, Compl. ¶¶ 12-26 (Count I), violation of Cal. Bus. & Prof. Code § 17200: Unfair Competition Law, Compl. ¶¶ 27-35 (Count II), and violation of the CLRA, Cal. Civ. Code § 1750, to be insufficient, Compl. ¶¶ 72-86 (Count VII) and they therefore must be dismissed.

In California, to state a claim for negligence, Compl. ¶¶ 12-26 (Count I), Claimant must establish the following elements: “(1) the defendant had a duty, or an ‘obligation to conform to a certain standard of conduct for the protection of others against unreasonable risks,’ (2) the defendant breached that duty, (3) that breach proximately caused the plaintiff’s injuries, and (4) damages.” *In re Solara Medical Supplies, LLC Customer Data Security Breach Litigation*, No. 3:19-CV-2284-H-KSC, 2020 WL 2214152, at *3 (S.D. Cal. May 7, 2020) (quoting *Corales v. Bennett*, 567 F.3d 554, 572 (9th Cir. 2009)). An inability to allege cognizable, non-speculative

Laura C. Sorice

Writing Sample

harm renders a negligence claim in the data breach context to be insufficient for failure to allege any claim of damages. *Id.* at *4. *See also Gardiner*, 2021 WL 2520103, at *4 (holding that claims for negligence in the context of a data breach fail where Plaintiffs alleged risk of future identity theft and claimed that they had overpaid for goods under the false impression that Defendants would protect their PII); “[T]he mere danger of future harm, unaccompanied by present damage, will not support a negligence action.” *Huynh v. Quora, Inc.*, No. 18-cv-07597-BLF, 2020 WL 7408230, at *6 (N.D. Cal. June 1, 2020).

Similarly, under California law, both unfair competition claims and alleged violations of the CLRA, Cal. Civ. Code § 1750 require an allegation of damages. To state a claim for violation of Cal. Bus. & Prof. Code § 17200: Unfair Competition Law based on deception, Compl. ¶¶ 27-35 (Count II), Claimant must allege that a misrepresentation was the immediate cause of an actual injury. *Doe v. Epic Games, Inc.*, 435 F. Supp. 3d 1024, 1050 (N.D. Cal. 2020). In the same vein, a claim of violation of the California Consumer Legal Remedies Act (CLRA, Cal. Civ. Code § 1750) based on a theory of deceptive representation, Compl. ¶¶ 72-86 (Count VII), must prove both actual reliance on the misrepresentation and actual harm to Plaintiffs. *T. K. v. Adobe System Inc.*, No. 17-CV-04595-LHK, 2018 WL 1812200, at *6 (N.D. Cal. Apr. 17, 2018); *Sateriale v. R.J. Reynolds Tobacco Co.*, 697 F.3d 777, 793 (9th Cir. 2012).

It is well established that no injury in fact can be suffered where no sensitive personal information was breached. The Northern District of California held that “[w]ithout a hack of information such as social security numbers, account numbers, or credit card numbers, there is no ... credible risk of identity theft that risks real, immediate injury.” *Antman v. Uber Technologies, Inc.*, No. 15-CV-01175, 2018 WL 2151231 at *9 (N.D. Cal. May 10, 2018). The Southern District of California agrees that where a party fails to “allege that [] exposed information included [] social

Laura C. Sorice

Writing Sample

security numbers, or similarly sensitive financial or account information” the claim falls “short of what is required” *Stasi v. Inmediata Health Grp. Corp.*, No. 19-CV-2353, 2020 WL 2126317 at *5 (S.D. Cal. May 5, 2020).

The conclusion that no injury in fact can exist where there has been no breach of sensitive personal information is further supported by the Central District of California’s dismissal of claims in *Rahman v. Marriott International, Inc.*, No. 8:20-cv-00654-DOC-KES, Dkt. 24 (Jan. 12, 2021) (in which the Court dismissed Plaintiff’s claims where no sensitive information—like credit card information—was stolen). The Court held that claims of cognizable injury are insufficient where they depend on an argument that harm “cannot be ruled out” or may occur at a “future” time. Here, Claimant alleges a possibility of future harm, but makes no argument that any financial harm has occurred or could occur in the future. This is insufficient to adequately state a claim. Like in *Marriot*, Claimant has “not plausibly pled here that any sensitive data—such as full credit card information, passports, or social security numbers—has fallen into the wrong hands. Without a breach of this type of sensitive information, [Claimant] has not suffered an injury in fact....” *Id.* See also *McMorris v. Carlos Lopez & Assocs., LLC*, 995 F.3d 295, 302 (2d Cir. 2021) (holding that even though high-risk information, “such as Social Security numbers and dates of birth” make identity fraud more likely, “less sensitive data, such as basic publicly available information, or data that can be rendered useless to cybercriminals does not pose the same risk of future identity theft or fraud to plaintiffs if exposed.”).

Accordingly, Claimant’s negligence, unfair competition, and CLRA claims must be dismissed.

2. CLAIMANTS BREACH OF IMPLIED CONTRACT AND UNJUST ENRICHMENTS CLAIMS FAIL BECAUSE THERE IS AN AGREED UPON, EXPRESS CONTRACT BETWEEN THE PARTIES

Laura C. Sorice

Writing Sample

Claimant’s breach of implied contract claims Compl. ¶¶ 36-44 (Count III) must fail because there is an express, valid contract between the parties. Under California law, a contract may be either express or implied, but it cannot be both. Cal. Civ. Code § 1619. A breach of implied contract claim simply cannot be alleged where there is an express contract. *Mountain View Surgical Ctr. v. Cigna Health Corp.*, No. CV1308083DDPAGRX, 2015 WL 5456592, at *2 (C.D. Cal. Sept. 17, 2015); *Wal-Noon Corp. v. Hill*, 45 Cal.App.3d 605, 613 (1975); *Be In, Inc. v. Google Inc.*, No. 12-CV-03373-LHK, 2013 WL 5568706, at *5 (N.D. Cal. Oct. 9, 2013) (“it is well settled that an action based on an implied-in-fact or quasi-contract cannot lie where there exists between the parties a valid express contract covering the same subject matter”) (citation omitted).

ABC’s Terms and Conditions constitute a valid, express contract covering the subject matter discussed in Claimant’s Complaint. In fact, Claimant concedes the validity of the “agreed upon terms and conditions” in her Complaint. Compl. ¶ 2. To the extent Claimant’s unjust enrichment claim is based in any warranty of security of personal information, as referenced throughout Claimant’s Complaint, ABC expressly disclaimed “all warranties of any kind related to the website . . . *we make no warranty that . . . the website will be uninterrupted, timely, secure, or error-free.*” Terms and Conditions, Page 8. The contract makes clear the express limitations of liability. *Id.* Accordingly, Claimant’s allegations related to breach of implied contract must fail.

Claimant’s unjust enrichment claim, Compl. ¶¶ 45-50 (Count IV), must fail because claimant may not plead the existence of an enforceable contract and “simultaneously maintain a quasi-contract claim unless [Claimant] also pleads facts suggesting that the contract may be unenforceable or invalid,”—which she has not. *Brodsky v. Apple Inc.*, 445 F. Supp. 3d 110, 133 (N.D. Cal. 2020) (internal quotations omitted) (citations omitted). Under California law, there is

Laura C. Sorice

Writing Sample

“not a standalone cause of action for unjust enrichment” which is synonymous with restitution. *Doe*, 435 F. Supp. 3d at 1052; See also *Rutherford Holdings, LLC v. Plaza Del Rey*, 223 Cal. App. 4th 221, 231 (2014). Following, any claims related to unjust enrichment constitute a quasi-contract claim. *Id.* Any action based in quasi-contract, including unjust enrichment, must be dismissed where there is a “valid express contract covering the same subject matter.” *Id.* (quoting *Lance Camper Manufacturing Corp. v. Republic Indemnity Co.*, 44 Cal. App. 4th 194, 203 (1996). Claimant’s cause of action related to unjust enrichment must be dismissed because ABC’s Terms and Conditions constitute a valid, express contract covering the subject matter discussed in Claimant’s complaint. In fact, Claimant concedes the validity of the “agreed upon terms and conditions” in her complaint. Compl. ¶ 2. To the extent Claimant’s unjust enrichment claim is based in any warranty of security of personal information, as referenced throughout Claimant’s complaint, ABC expressly disclaimed any “warranty that its website will be uninterrupted, timely, secure, or error-free.”). Terms and Conditions, Page 8. The contract makes clear the express limitations of liability. *Id.*

3. CLAIMANT’S INVASION OF PRIVACY CLAIM FAILS BECAUSE NO THERE IS NO REASONABLE EXPECTATION OF PRIVACY TO PUBLIC INFORMATION

Claimant fails to state an invasion of privacy claim. Compl. ¶¶ 51-60 (Count VI). “The California Constitution sets a ‘high bar’ for establishing an invasion of privacy claim.” *In re Yahoo Mail Litig.*, 7 F. Supp. 3d 1016, 1038 (N.D. Cal. 2014) (citations omitted). To clear this bar, Claimant must plead: (1) a legally protected privacy interest; (2) a reasonable expectation of privacy in the circumstances; and (3) a serious invasion of privacy constituting “an egregious breach of . . . social norms.” *Hill v. Nat’l Collegiate Athletic Ass’n*, 7 Cal. 4th 1, 35–37 (1994). Because the “right to privacy in the California Constitution sets standards similar to the common law tort of intrusion,” courts routinely dismiss these claims together. *Hernandez v. Hillsides, Inc.*,

Laura C. Sorice

Writing Sample

47 Cal. 4th 272, 287 (2009); *In re Google Location History Litig.*, 428 F. Supp. 3d 185, 199 (N.D. Cal. 2019) (dismissing plaintiffs’ constitutional and common-law privacy claims for the same reasons).

Claimant does not allege the “exceptional kind of prying into another’s private affairs” that the law requires. *Med. Lab. Mgmt. Consultants v. Am. Broad. Cos., Inc.*, 306 F.3d 806, 819 (9th Cir. 2002). ABC’s collection of personal information to provide services to customers is a far cry from instances where the tort might apply, such as “(1) taking the photograph of a woman in the hospital with a ‘rare disease that arouses public curiosity’ over her objection, and (2) using a telescope to look into someone’s upstairs bedroom window for two weeks and taking ‘intimate pictures’ with a telescopic lens.” See *id.* (citing Rest. (2d) Torts § 652B, cmt. b.). Instead, information concerning Claimant that may have been implicated in the data breach includes name, names, emails, phone numbers, encrypted passwords, and the last 4 digits of credit card numbers—much of which is publicly searchable and a matter of public record. *Hogan v. Weymouth*, No. CV192306MWFAFMX, 2019 WL 11055032, at *5 (C.D. Cal. Aug. 19, 2019) (“[A] matter that is already public or that has previously become part of the public domain is not private.”). Accordingly, Claimant’s invasion of privacy claim should be dismissed.

4. CLAIMANT’S CLAIMS UNDER THE CALIFORNIA CONSUMER PRIVACY ACT (CCPA) FAIL BECAUSE NO PERSONALLY IDENTIFYING INFORMATION WAS COMPROMISED

Claimant’s cause of action related to violations of the CCPA, Compl. ¶¶ 61-71 (Count VI), must fail because no personally identifying information, as defined by the CCPA, was impacted in the data security incident. In fact, Claimant has been made aware, in public disclosures and direct communications from ABC notifying Claimant of the data security incident, that no information constituting personal information under state data breach laws was compromised.

Laura C. Sorice

Writing Sample

Under the CCPA, personal information does not include publicly available information. CCPA § 1798.140(o)(2); personal information includes identifiers such as an individual's name in combination with one or more data elements, if the data elements are unencrypted, like Social Security Number or an email address in combination with a password that is unencrypted. CCPA § 1798.140(o)(1); *Gardiner*, 2021 WL 2520103, at *2-3. No information of this sort was involved in the data security incident. ABC made clear in its public disclosures that only the following limited customer information was impacted: names, emails, encrypted passwords, phone numbers and the last 4 digits of credit card numbers. Additional account information such as delivery preferences and mailing address may also have been compromised. Since no personally identifying information under the CCPA has been compromised, Claimant's cause of action related to the CCPA must be dismissed.

V. CONCLUSION

For all of these reasons, ABC respectfully requests that Claimant's complaint is summarily dismissed.

Dated: January 3, 2022

Respectfully submitted,

/s/ Laura C. Sorice

Laura C. Sorice
lsorice@sidley.com
Sidley Austin LLP

ATTORNEY FOR RESPONDENT

Applicant Details

First Name	Wilson
Last Name	Stamm
Citizenship Status	U. S. Citizen
Email Address	wilson.stamm@columbia.edu
Address	<div> <div>Address</div> <div> <div>Street</div> <div>1851 Columbia Road, NW, Apt. 605</div> <div>City</div> <div>Washington</div> <div>State/Territory</div> <div>District of Columbia</div> <div>Zip</div> <div>20009</div> <div>Country</div> <div>United States</div> </div> </div>
Contact Phone Number	6468743911

Applicant Education

BA/BS From	Columbia University
Date of BA/BS	May 2017
JD/LLB From	Columbia University School of Law
	http://www.law.columbia.edu
Date of JD/LLB	April 29, 2021
Class Rank	School does not rank
Does the law school have a Law Review/Journal?	Yes
Law Review/Journal	No
Moot Court Experience	Yes
Moot Court Name(s)	Harlan Fiske Stone Honors Moot Court

Bar Admission

Admission(s)	New York
--------------	----------

Prior Judicial Experience

Judicial Internships/Externships	Yes
Post-graduate Judicial Law Clerk	No

Specialized Work Experience

Recommenders

Gerber, Michael
dmoore@law.columbia.edu
Briffault, Richard
richard.briffault@law.columbia.edu
212-854-2638
Blasi, Vincent
blasi@law.columbia.edu
212-854-5067

This applicant has certified that all data entered in this profile and any application documents are true and correct.

WILSON RAE STAMM

ATTORNEY AT LAW

1851 Columbia Road NW #605

Washington, DC 20009

(646) 874-3911

wilsonstamm@gmail.com

March 1, 2022

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
New York, NY 10007-1312

Dear Judge Liman,

I am a Trial Attorney at the United States Department of Justice and a recent graduate of Columbia Law School, seeking a position as a clerk in your chambers for the 2024-2025 term.

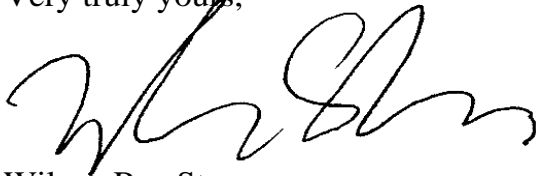
Attached please find copies of my resume, transcripts, and writing sample.

Following separately are letters of recommendation from Professor Richard Briffault (212 854-4282, brfflt@law.columbia.edu), Professor Vincent Blasi (212 854-5067, blasi@law.columbia.edu), and Assistant United States Attorney Michael Gerber (212 637-2470, michael.gerber@usdoj.gov).

Should you need any additional information, please do not hesitate to contact me.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Wilson Rae Stamm', written in a cursive style.

Wilson Rae Stamm

WILSON RAE STAMM

ATTORNEY AT LAW

1851 Columbia Road NW #605

Washington, DC 20009

(646) 874-3911

wilsonstamm@gmail.com

EDUCATION

COLUMBIA LAW SCHOOL, J.D. 2021

- Harlan Fiske Stone Scholar, Public Interest Honoree, Honors Moot Court
- Internships at (1) United States Attorney's Office for the Southern District of New York; (2) United States Attorney's Office for the Eastern District of New York; (3) New York County District Attorney's Office; (4) King's County District Attorney's Office; and (5) New York City Law Department

COLUMBIA UNIVERSITY, B.A. 2017

STUYVESANT HIGH SCHOOL, 2013

EXPERIENCE

UNITED STATES DEPARTMENT OF JUSTICE, 2021 – Present

- **Trial Attorney** in the Criminal Enforcement Section of the Tax Division
- **Special Assistant United States Attorney** in the Eastern District of Virginia
- Hired through the **Attorney General's Honors Program**
- Investigate and prosecute individuals and corporations that attempt to evade taxes, willfully fail to file returns, submit false tax forms, and otherwise attempt to defraud taxpayers
- Investigate and prosecute tax violations related to other criminal activity, including corporate fraud, financial institution fraud, health care fraud, public corruption, organized crime and narcotics trafficking
- Evaluate requests by Internal Revenue Service and United States Attorneys to initiate grand jury investigations or prosecutions of tax crimes

BAR ADMISSION

New York

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

NAME: Wilson Rae Stamm
 SSN#: XXX-XX-8788
 SCHOOL: SCHOOL OF LAW

DEGREE(S) AWARDED:
 Bachelor of Arts

DATE AWARDED:
 May 17, 2017

MAJOR: PHILOSOPHY
 CONCEN: PHYSICS
 PROGRAM: LAW

Juris Doctor (Doctor of Law) May 19, 2021

PROGRAM TITLE: LAW

SUBJECT COURSE TITLE NUMBER	POINTS	GRADE	SUBJECT COURSE TITLE NUMBER	POINTS	GRADE
HARLAN FISKE STONE SCHOLAR-SECOND YEAR ENDING MAY 20			Spring 2020		
HARLAN FISKE STONE SCHOLAR-THIRD YEAR ENDING MAY 21			Due to the COVID-19 pandemic, Mandatory Pass/Fail grading was in effect for all regular, full-term courses for the spring 2020 semester.		
Mandatory Pro Bono, 40 Hours					
Fall 2018					
LAW L 6101 CIVIL PROCEDURE	4.00	A-	LAW L 6169 LEGISLATION AND REGULATIO	4.00	CR
LAW L 6105 CONTRACTS	4.00	B+	LAW L 6231 CORPORATIONS	4.00	CR
LAW L 6113 LEGAL METHODS	1.00	CR	LAW L 6292 STATE & LOCAL GOVERNMENT	3.00	CR
LAW L 6115 LEGAL PRACTICE WORKSHOP I	2.00	HP	LAW L 6602 EXT: REPRESENTNG NYC	2.00	CR
LAW L 6116 PROPERTY (FOUNDATION)	4.00	B+	LAW L 6602 EXT: REPRESENTNG NYC	2.00	CR
Spring 2019			Fall 2020		
A&HM Y 4166 GUITAR INST:NON-MAJOR	2.00	A	LAW L 6238 CRIMINAL ADJUDICATION	3.00	CR
LAW L 6108 CRIMINAL LAW	3.00	B+	LAW L 6474 LAW OF THE POLITICAL PROC	3.00	B+
LAW L 6118 TORTS	4.00	B	LAW L 6538 SECURED TRANSACTIONS	4.00	A-
LAW L 6121 LEGAL PRACTICE WSHOP II	1.00	P	LAW L 6603 EXT:US ATTY OFF STHRN DIS	2.00	A-
LAW L 6130 LEGAL METHODS II	1.00	CR	LAW L 6603 EXT:US ATTY OFF STHRN DIS	2.00	CR
LAW L 6133 CONSTITUTIONAL LAW	4.00	B+	LAW L 6675 MAJOR WRITING CREDIT	0.00	CR
LAW L 6256 FEDERAL INCOME TAXATION	4.00	B+	LAW L 6680 HARLAN F. STONE HON COMPE	0.00	CR
LAW L 6679 FOUNDATION YEAR MOOT COUR	0.00	CR	LAW L 6683 SUPERVISED RESEARCH PAPER	1.00	A
Y4166 0 LAW POINTS			L6683 WITH BRIFFAULT, RICHARD		
Fall 2019			Spring 2021		
LAW L 6109 CRIMINAL INVESTIGATIONS	3.00	B+	LAW L 6229 IDEAS OF THE FIRST AMENDM	4.00	A-
LAW L 6239 EX. CRIMINAL PROSECUTION	2.00	A	LAW L 6241 EVIDENCE	4.00	A-
LAW L 6239 EX. CRIMINAL PROSECUTION	3.00	CR	LAW L 6274 PROFESSIONAL RESPONSIBILI	2.00	A
LAW L 6242 ENVIRONMENTAL LAW	3.00	B+	LAW L 6429 FEDERAL CRIMINAL LAW	3.00	CR
LAW L 6294 TRUSTS AND ESTATES	4.00	A-	LAW L 6683 SUPERVISED RESEARCH PAPER	2.00	A
LAW L 6680 HARLAN F. STONE HON COMPE	0.00	CR	L6683 WITH BRIFFAULT, RICHARD		

This official transcript was produced on
 JUNE 23, 2021.



SEAL OF COLUMBIA UNIVERSITY
 IN THE CITY OF NEW YORK

Barry S. Kane

Barry S. Kane
 Associate Vice President and University Registrar

TO VERIFY AUTHENTICITY OF DOCUMENT, THE BLUE STRIP BELOW CONTAINS HEAT SENSITIVE INK, WHICH DISAPPEARS UPON TOUCH

OFFICE OF THE UNIVERSITY REGISTRAR
STUDENT SERVICE CENTER
1140 AMSTERDAM AVENUE
205 KENT HALL, MAIL CODE 9202
NEW YORK, NEW YORK 10027
(212) 854-4500



SEAL OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK

Columbia College, Engineering and Applied Science, General Studies, Graduate School of Arts and Sciences, International and Public Affairs, Library Service, Human Nutrition, Nursing, Occupational Therapy, Physical Therapy, Professional Studies, Special Studies Program, Summer Session
A, B, C, D, F (excellent, good, fair, poor, failing). NOTE: Plus and minus signs and the grades of P (pass) and HP (high pass) are used in some schools. The grade of D is not used in Graduate Nursing, Occupational Therapy, and Physical Therapy.

American Language Program, Center for Psychoanalytic Training and Research, Journalism

P (pass), F (failing). Grades of A, B, C, D, P (pass), F (failing) — used for some offerings from the American Language Program Spring 2009 and thereafter.

Architecture

HP (high pass), P (pass), LP (low pass), F (failing), and A, B, C, D, F — used June 1991 and thereafter P (pass), F (failing) — used prior to June 1991.

Arts

P (pass), LP (low pass), F (failing), H (honors) used prior to June 2015.

Business

H (honors), HP (high pass), P1 (pass), LP (low pass), P (unweighted pass), F (failing), plus (+) and minus (-) used for H, HP and P1 grades Summer 2010 and thereafter.

College of Physicians and Surgeons

H (honors), HP (high pass), P (pass), F (failing).

College of Dental Medicine

H (honors), P (pass), F (failing).

Law

A through C (plus (+) and minus (-) with A and B only), CR (credit - equivalent to passing), F (failing) is used beginning with the class which entered Fall 1994. Some offerings are graded by HP (high pass), P (pass), LP (low pass), F (failing). W (withdrawn) signifies that the student was permitted to drop a course, for which he or she had been officially registered, after the close of the Law School's official Change of Program (add/drop) period. It carries no connotation of quality of student performance nor is it considered in the calculation of academic honors.
E (excellent), VG (very good), G (good), P (pass), U (unsatisfactory), CR (credit) used from 1970 through the class which entered in Fall 1993.

Any student in the Law School's Jury Decoder program may, at any time, request that he or she be graded on the basis of Credit/Fail. In such event, the student's performance in every offering is graded in accordance with the standards outlined in the school's bulletin but recorded on the transcript as Credit/Fail. A student electing the Credit/Fail option may revoke it at any time prior to graduation and receive or request a copy of his or her transcript with grades recorded in accordance with the policy outlined in the school bulletin. In all cases, the transcript received or requested by the student shall show, on a cumulative basis, all of the grades of the student presented in single format - i.e., all grades shall be in accordance with those set forth in the school bulletin, or all grades shall be stated as Credit or Fail.

Public Health

A, B, C, D, F - used Summer 1989 and thereafter. H (honors), P (pass), F (failing) — used prior to Summer 1989.

Social Work

E (excellent), VG (very good), G (good), MP (minimum pass), F (failing).

A through C is used beginning with the class which entered Fall 1997. Plus signs used with B and C only, while minus signs are used with all letter grades. The grade of P (pass) is given only for select classes.

OTHER GRADES USED IN THE UNIVERSITY

AB = Excused absence from final examination.

AR = Administrative Ruler awarded temporarily if a final grade cannot be determined without additional information.

AU = Audit (auditing division only).

CP = Credit Pending: Assigned in graduate courses which regularly involve research projects extending beyond the end of the term. Until such time as a passing or failing grade is assigned, satisfactory progress is implied.

F* = Course dropped unofficially.

IN = Work incomplete.

MU = Make Up: Student has the privilege of taking a second final examination.

R = For the Business School: Indicates satisfactory completion of courses taken as part of an exchange program and earns academic credit.

R = For Columbia College: The grade given for course taken for no academic credit, or notation given for internship.

R = For the Graduate School of Arts and Sciences: By prior agreement, only a portion of total course work completed. Program determines academic credit.

R = For the School of International and Public Affairs: The grade given for a course taken for no academic credit.

UW = Unofficial Withdrawal.

UW = For the College of Physicians and Surgeons: Indicates significant attempted coursework which the student does not have the opportunity to complete as listed due to required repetition or withdrawal.

W = Withdraw from course.

YC = Year Course: Assigned at the end of the first term of a year course. A single grade for the entire course is given upon completion of the second term. Until such time as a passing or failing grade is assigned, satisfactory progress is implied.

OTHER INFORMATION

NOTE: All students who cross-register into other schools of the University are graded in the A, B, C, D, F grading system regardless of the grading system of their own school, except in the schools of Arts (prior to Spring 1993) and in Journalism (prior to Autumn 1992), in which the grades of P (pass) and F (failing) were assigned. Notations at the end of a term provide documentation of the type of separation from the University.

% of A: Effective fall 1996, Transcripts of Columbia College students show the percentage of grades in the A (A+, A, A-) range in all classes with at least 12 grades. The mark of R (excluded). Calculations are taken at two points in time: three weeks after the last final examination of the term and three weeks after the last final of the next term. Once taken, the percentage is final even if grades change or if grades are submitted after the calculation. For additional information about the grading policy of the Faculty of Columbia College, consult the College Bulletin.

KEY TO COURSE LISTINGS

A course listing consists of an area, a capital letter(s) (denotes school/bulletin) and the four digit course number (see below).

The capital letter indicates the University school, division, or affiliate offering the course:

A	Graduate School of Architecture, Planning, and Preservation
B	School of Business
BC	Barnard College
C	Columbia College
D	College of Dental Medicine
E	School of Engineering and Applied Science
F	School of General Studies
G	Graduate School of Arts and Sciences
H	Red Hall (Paris)
J	Graduate School of Journalism
K	School of Library Services/Continuing Education (effective Fall 2002)
L	School of Law
M	College of Physicians and Surgeons, Institute of Human Nutrition, Program in Occupational Therapy, Program in Physical Therapy, Psychoanalytic Training and Research
N	School of Nursing

Q	Other Universities or Affiliates/Auditing
P	School of Public Health
Q	Computer Technology/Applications
R	School of the Arts
S	Summer Session
T	School of Social Work
TA-TZ	Teachers College
U	School of International and Public Affairs
V	Inter-school Course
W	Interfaculty Course
Y	Teachers College
Z	American Language Program

The first digit of the course number indicates the level of the course, as follows:

0	Courses that cannot be credited toward any degree
1	Undergraduate course
2	Undergraduate course, advanced
4	Graduate course open to qualified undergraduates
5	Graduate course open to qualified undergraduates
6	Graduate course
7	Graduate course
8	Graduate course, advanced
9	Graduate research course or seminar

Note: Level Designations Prior to 1961:

1-99	Undergraduate courses
100-299	Lower division graduate courses
300-999	Upper division graduate courses

The term designations are as follows:
X=Autumn Term, Y=Spring Term, S=Summer Term
Notations at the end of a term provide documentation of the type of separation from the University.

UNDER THE PROVISION OF THE FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974, THIS TRANSCRIPT MAY NOT BE RELEASED OR REVEALED TO A THIRD PARTY WITHOUT THE WRITTEN CONSENT OF THE STUDENT.

THE ABOVE INFORMATION REFLECTS GRADING SYSTEMS IN USE SINCE SPRING 1992. THE CUMULATIVE INDEX, IF SHOWN, DOES NOT REFLECT COURSES TAKEN BEFORE SPRING OF 1992. ALL TRANSCRIPTS ISSUED FROM THE OFFICE ARE OFFICIAL DOCUMENTS. TRANSCRIPTS ARE PRINTED ON TAMPER-PROOF PAPER, ELIMINATING THE NEED FOR SIGNATURES AND STAMPS ON THE BACK OF ENVELOPES FOR CERTIFICATION PURPOSES. A REPRODUCED COPY OF THIS RECORD SHALL NOT BE VALID. THE HEAT-SENSITIVE STRIP, LOCATED ON THE BOTTOM EDGE OF THE FACE OF THE TRANSCRIPT, WILL CHANGE FROM BLUE TO CLEAR WHEN HEAT OR PRESSURE IS APPLIED. A BLUE SIGNATURE ALSO ACCOMPANIES THE UNIVERSITY SEAL ON THE FACE OF THE TRANSCRIPT.

SCHOOL: COLUMBIA COLLEGE

NAME: Wilson Rae Stamm
SSN#: XXX-XX-8788

SUBJECT	COURSE NUMBER	TITLE	POINTS	GRADE
---------	---------------	-------	--------	-------

Fall 2016

GERM	UN 3333	INTRO TO GERMAN LIT (GERM	3.00	A-
HIST	UN 2657	MEDIEVAL JEWISH CULTURES	4.00	B+
HIST	UN 2981	MEDIEVAL JEWISH CULTURES	0.00	
HIST	UN 3644	MODERN JEWISH INTELLECTUA	4.00	A
HUMA	UN 1121	MASTERPIECES OF WESTERN A	3.00	A
PHED	UN 1001	PHYSICAL ED: INT/ADV SOCC	1.00	P
PHIL	UN 3912	CRITICAL THEORY	3.00	B+

HONORS: DEAN'S LIST

Spring 2017

GERM	UN 2125	ACCELERATED INTER GERMAN	8.00	A
GERM	GU 4650	NIETZSCHE (ENG)	3.00	A
HIST	UN 2234	DICTATORS IN 20TH CENT EU	4.00	R
PHIL	UN 3960	EPISTEMOLOGY	4.00	B+
PHIL	UN 3963	EPISTEMOLOGY - REC	0.00	
PHIL	GR 9101	EPICTETUS	3.00	A-

HONORS: DEAN'S LIST

REMARKS

Cumulative GPA: 3.730

12.00 Credits Transferred from College Bd: Advanced Placement

FINAL

SEAL OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK

Barry S. Kane

Barry S. Kane
Associate Vice President and University Registrar

TO VERIFY AUTHENTICITY OF DOCUMENT, THE BLUE STRIP BELOW CONTAINS HEAT SENSITIVE INK WHICH DISAPPEARS UPON TOUCH

OFFICE OF THE UNIVERSITY REGISTRAR
STUDENT SERVICE CENTER
1140 AMSTERDAM AVENUE
265 KENT HALL, MAIL CODE 5202
NEW YORK, NEW YORK 10027
(212) 854-4400



SEAL OF COLUMBIA UNIVERSITY
OF THE CITY OF NEW YORK

Columbia College, Engineering and Applied Science, General Studies, Graduate School of Arts and Sciences, International and Public Affairs, Library Service, Human Nutrition, Nursing, Occupational Therapy, Physical Therapy, Professional Studies, Special Studies Program, Summer Session
A, B, C, D, F (excellent, good, fair, poor, failing). NGTE. Plus and minus signs and the grades of P (pass) and HP (high pass) are used in some schools. The grade of D is not used in Graduate Nursing, Occupational Therapy, and Physical Therapy.

American Language Program, Center for Psychoanalytic Training and Research, Journalism

P (pass), F (failing). Grades of A, B, C, D, P (pass), F (failing) — used for some offerings from the American Language Program Spring 2009 and thereafter.

Architecture

HP (high pass), P (pass), LP (low pass), F (failing), and A, B, C, D, F — used June 1991 and thereafter P (pass), F (failing) — used prior to June 1991

Arts

P (pass), LP (low pass), F (fail), H (honors) used prior to June 2015

Business

H (honors), HP (high pass), P1 (pass), LP (low pass), P (unweighted pass), F (failing), plus (+) and minus (-) used for H, HP and P1 grades Summer 2010 and thereafter

College of Physicians and Surgeons

H (honors), HP (high pass), P (pass), F (failing)

College of Dental Medicine

H (honors), P (pass), F (failing)

Law

A through C (plus (+) and minus (-) with A and B only), CR (credit — equivalent to passing), F (failing) is used beginning with the class which entered Fall 1994. Some offerings are graded by HP (high pass), P (pass), LP (low pass), F (failing). W (withdrawn) signifies that the student was permitted to drop a course, for which he or she had been officially registered, after the close of the Law School's official Change of Program (add/drop) period. It carries no connotation of quality of student performance, nor is it considered in the calculation of academic honors.
E (excellent), VG (very good), G (good), P (pass), U (unsatisfactory), CR (credit) used from 1970 through the class which entered in Fall 1993.

Any student in the Law School's Jura Doctor program may, at any time, request that he or she be graded on the basis of Credit/Fail. In such event, the student's performance in every offering is graded in accordance with the standards outlined in the school's bulletin, but recorded on the transcript as Credit/Fail. A student electing the Credit/Fail option may revoke it at any time prior to graduation and receive or request a copy of his or her transcript with grades recorded in accordance with the policy outlined in the school bulletin. In all cases, the transcript received or requested by the student shall show, on a cumulative basis, all of the grades of the student presented in single format — i.e., all grades shall be in accordance with those set forth in the school bulletin, or all grades shall be stated as Credit or Fail.

Public Health

A, B, C, D, F — used Summer 1985 and thereafter. H (honors), P (pass), F (failing) — used prior to Summer 1985.

Social Work

E (excellent), VG (very good), G (good), MP (minimum pass), F (failing).

A through C is used beginning with the class which entered Fall 1977. Plus signs are used with B and C only, while minus signs are used with all letter grades. The grade of P (pass) is given only for select classes.

OTHER GRADES USED IN THE UNIVERSITY

AB = Excused absence from final examination.

AR = Administrative Reference awarded temporarily if a final grade cannot be determined without additional information.

AU = Audit (auditing division only).

CP = Credit Pending. Assigned in graduate courses which regularly involve research projects extending beyond the end of the term. Until such time as a passing or failing grade is assigned, satisfactory progress is implied.

D = Course dropped unofficially.

IN = Work incomplete.

MU = Make Up. Student has the privilege of taking a second final examination.

R = For the Business School. Indicates satisfactory completion of courses taken as part of an exchange program and earns academic credit.

R = For Columbia College. The grade given for course taken for no academic credit, or notation given for internship.

R = For the Graduate School of Arts and Sciences. By prior agreement, only a portion of total course work completed. Program determines academic credit.

R = For the School of International and Public Affairs. The grade given for a course taken for no academic credit.

UW = Unofficial Withdrawal.

UW = For the College of Physicians and Surgeons. Indicates significant attempted coursework which the student does not have the opportunity to complete as listed due to required repetition or withdrawal.

W = Withdraw from course.

YC = Year Course. Assigned at the end of the first term of a year course. A single grade for the entire course is given upon completion of the second term. Until such time as a passing or failing grade is assigned, satisfactory progress is implied.

OTHER INFORMATION

NOTE: All students who cross-register into other schools of the University are graded in the A, B, C, D, F grading system regardless of the grading system of their own school, except in the schools of Arts (prior to Spring 1993) and in Journalism (prior to Autumn 1992), in which the grades of P (pass) and F (failing) were assigned. Notations at the end of a term provide documentation of the type of separation from the University.

% of A: Effective fall 1996, Transcripts of Columbia College students show the percentage of grades in the A (A+, A, A-) range in part of those with at least 12 grades, the mark of R excluded. Calculations are taken at two points in time: three weeks after the last final examination of the term and three weeks after the last final of the next term. Once taken, the percentage is final even if grades change or if grades are submitted after the calculation. For additional information about the grading policy of the Faculty of Columbia College, consult the College Bulletin.

KEY TO COURSE LISTINGS

A course listing consists of an area, a capital letter(s) (denotes school/bulletin) and the four digit course number (see below).

The capital letter indicates the University school, division, or affiliate offering the course:

A	Graduate School of Architecture, Planning, and Preservation
B	School of Business
BC	Barnard College
C	Columbia College
D	College of Dental Medicine
E	School of Engineering and Applied Science
F	School of General Studies
G	Graduate School of Arts and Sciences
H	Reid Hall (Paris)
J	Graduate School of Journalism
K	School of Library Services/Continuing Education (effective Fall 2002)
L	School of Law
M	College of Physicians and Surgeons, Institute of Human Nutrition, Program in Occupational Therapy, Program in Physical Therapy, Psychoanalytic Training and Research
N	School of Nursing

O	Other Universities or Affiliates/Auditing
P	School of Public Health
Q	Computational Technology/Applications
R	School of the Arts
S	Summer Session
T	School of Social Work
TA-TZ	Teachers College
U	School of International and Public Affairs
V	Interscholar Course
W	Interdisciplinary Course
Y	Teachers College
Z	American Language Program

UNDER THE PROVISION OF THE FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974, THIS TRANSCRIPT MAY NOT BE RELEASED OR REVEALED TO A THIRD PARTY WITHOUT THE WRITTEN CONSENT OF THE STUDENT

The first digit of the course number indicates the level of the course. As follows:

0	Course that cannot be credited toward any degree
1	Undergraduate course
3	Undergraduate course, advanced
4	Graduate course open to qualified undergraduates
5	Graduate course open to qualified undergraduates
6	Graduate course
7	Graduate course
8	Graduate course, advanced
9	Graduate research course or seminar

Note: Level Designations Prior to 1961:

1-99 Undergraduate courses
100-299 Lower division graduate courses
300-999 Upper division graduate courses

The term designations are as follows:
X=Autumn Term, Y=Spring Term, S=Summer Term
Notations at the end of a term provide documentation of the type of separation from the University.

THE ABOVE INFORMATION REFLECTS GRADING SYSTEMS IN USE SINCE SPRING 1992. THE CUMULATIVE INDEX IF SHOWN, DOES NOT REFLECT COURSES TAKEN BEFORE SPRING OF 1992. ALL TRANSCRIPTS ISSUED FROM THIS OFFICE ARE OFFICIAL DOCUMENTS. TRANSCRIPTS ARE PRINTED ON TAMPER-PROOF PAPER, ELIMINATING THE NEED FOR SIGNATURES AND STAMPS ON THE BACK OF ENVELOPES FOR VERIFICATION PURPOSES. A REPRODUCED COPY OF THIS RECORD SHALL NOT BE VALID. THE HEAT SENSITIVE STRIP LOCATED ON THE BOTTOM EDGE OF THE FACE OF THE TRANSCRIPT WILL CHANGE FROM BLUE TO CLEAR WHEN HEAT OR PRESSURE IS APPLIED. A BLUE SIGNATURE ALSO ACCOMPANIES THE UNIVERSITY SEAL ON THE FACE OF THE TRANSCRIPT.

March 01, 2022

The Honorable Lewis Liman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1620
New York, NY 10007-1312

Dear Judge Liman:

I am an Assistant United States Attorney in the Office of the United States Attorney for the Southern District of New York and serve as the Chief of the Violent & Organized Crime Unit. I have also served as an instructor for Columbia Law School's Prosecution Externship with our Office, and in that capacity came to know Wilson Stamm, who participated in the externship in the Fall of 2020. I understand that Wilson is now applying for a clerkship. Wilson was a terrific participant in the externship, and is well on his way to being an outstanding lawyer. I believe that he would be a great clerk, and write to give my highest recommendation.

The externship had two components, both of which were conducted remotely because of the pandemic. One part was a weekly, two-hour seminar, in which my co-instructor and I discussed with the students various aspects of the criminal justice system. The discussion assumed a knowledge of criminal procedure, and engaged with various real-world, practical challenges that prosecutors face—for example, when to seek pretrial detention, thorny Fourth Amendment issues, the challenges of working with cooperating witnesses, and sentencing advocacy. The other part of the externship was the students' work with AUSAs in the Office, and in particular engaging in substantive legal research and writing under the supervision of AUSAs. Over the course of the semester the students prepared several response papers regarding federal criminal practice.

During the seminar, Wilson was a regular participant in our discussions. His questions and comments were always thoughtful and reflective. When he believed that Office practice was sound, he said so; when he thought we could do better, he made his arguments respectfully and forcefully. His written work product was thorough and comprehensive. As a clerk Wilson would bring these qualities—his inquisitiveness, his intellectual engagement, and his excellent writing—to the work of the court.

I am also confident that Wilson will be a good colleague in chambers. While it was difficult to get to know students in a remote class, Wilson stood out as someone who was particularly respectful of his peers. He often would begin comments by referencing what other students in the class had said, and he went out of his way to commend comments by his classmates.

Wilson particularly distinguished himself through his work product with AUSAs. One of his assignments for the semester was to draft a detailed, multi-count complaint containing firearms and narcotics charges. The charges arose out of a series of recorded encounters between the defendant and law enforcement. Drafting the complaint was painstaking work, requiring a meticulous review of voluminous recordings and police reports and then a careful and clear description of what occurred in each encounter. Wilson did a fantastic job, producing a draft that was very close to the final product. It was a display of his work ethic, his attention to detail, and most fundamentally, his commitment to getting the facts right.

I am confident that Wilson would be an excellent clerk, and recommend him without hesitation. Please feel free to contact me if you have any questions.

Yours Truly,

/s/ Michael Gerber
Assistant United States Attorney
Chief, Violent & Organized Crime Unit
United States Attorney's Office
Southern District of New York
(212) 637-2470

Michael Gerber - dmoore@law.columbia.edu

COLUMBIA LAW SCHOOL
435 West 116th Street
New York, NY 10027

March 01, 2022

The Honorable Lewis Liman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1620
New York, NY 10007-1312

Re: Wilson Rae Stamm

Dear Judge Liman:

I am writing in support of Wilson Rae Stamm of the Columbia Law School class of 2021, who is applying to you for a clerkship. Wilson is a very strong student with outstanding research, analytical, and writing skills. I am sure he will make an excellent law clerk.

Wilson was a student in three of my classes, -- Legislation & Regulation, State and Local Government Law, and Law of the Political Process -- and I also supervised his major writing credit paper. In the three courses, Wilson was an engaged participant in class discussions and consistently demonstrated mastery of complex material. He was always prepared and his questions, answers, and comments raised important issues and regularly advanced class discussion. He was consistently interested in the interplay of legal doctrine and real-world problems, and the role of law in finding solutions. Due to the COVID-19 pandemic in the Spring 2020 term, Legislation & Regulation and State and Local Government Law were graded on a pass-fail basis so I cannot say very much about his exam performance in those. In the Fall 2021 term, Law of the Political Process was taught on a "hybrid" basis, with some students in the classroom and others participating by Zoom. Despite the continuing stresses of the pandemic, Wilson did well on the final exam and received a B+ for the course.

Wilson did a terrific job on his major paper, "To the Hills of the Hudson and the Settlement of the Sound! Reducing Socioeconomic Disparities between New York City, Nassau, and Westchester." This ambitious paper grew out of Wilson's deep concern about the socioeconomic disparities between New York City and its suburbs mentioned in the title, how they relate to the legal structure of the New York metropolitan area, and how legal tools can be used to address them. The paper demonstrated Wilson's ability to undertake wide-ranging research and to weave together many different types of material -- history, statistics, statutes, legal doctrine, and policy alternatives -- into a comprehensive treatment of the relationship between metropolitan area fragmentation and pressing social and economic issues. It is also nicely illustrates Wilson's ability to combine analytical rigor, mastery of legal materials, pragmatic assessment of the strength and weaknesses of potential remedies, and a commitment to advancing social justice.

Wilson had a very good academic record at Columbia. He was a Harlan Fiske Stone Scholar, which surely puts him in the top thirty percent of the class. More than most students, he was intensely focused on his professional development, taking a heavy load of "black letter law" subjects, twice participating in the Moot Court competition, and taking multiple internships in the state supreme court, the New York City Law Department, and district attorney and U.S. attorney offices. His record underscores his deep committed to public service.

In my conversations with Wilson, I have consistently found him to be smart, thoughtful, serious, and pleasant, with a good sense of humor. Based on his academic record, his professional commitment, and his personal qualities, I am sure he will make a great law clerk.

Please call me at 212-954-2638 if I can of any further assistance to you in assessing Wilson's clerkship application.

Sincerely,

Richard Briffault
Joseph P. Chamberlain Professor of Legislation

Richard Briffault - richard.briffault@law.columbia.edu - 212-854-2638

March 01, 2022

The Honorable Lewis Liman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1620
New York, NY 10007-1312

Dear Judge Liman:

Please permit me to offer a recommendation for Mr. Wilson Stamm, a recent graduate of Columbia Law School, who is applying for your clerkship.

I taught Wilson in a course on the First Amendment. Of the 39 students in that class, I rated Wilson's final paper to be tied for the 11th best. In lieu of a final exam, I have students submit an intellectually ambitious paper, limited to 3500 words, which demands a close critical reading of two judicial opinions studied in the course. Wilson's final paper compared the most important free speech opinions written by Judge Learned Hand and Justice Oliver Wendell Holmes. I have written two law review articles on the Hand opinion (*Masses Publishing Co. v. Patten*) and three on the Holmes opinion (dissent in *Abrams v. United States*). I know those opinions well. I can say that Wilson's final paper exhibited an admirable command of the subtle, in places profound, arguments of those two great judges, all the while identifying valid points of responsible criticism. Wilson possesses an incisive intellect. The criticisms he developed in the paper were illuminating. I mean that in the sense of them being grounded and measured critiques, well worth the attention of a specialist like me.

In addition to a final paper, I require of each student a weekly one-page paper identifying the weakest link in an argument about the freedom of speech that we have been studying that week. I found Wilson's weekly papers to be like his final paper: succinct, to the point, sure-handed and well-informed. He is simply a first-rate legal analyst.

I did not have the opportunity to work closely with Wilson as one would, say, with a research assistant. So I cannot speak to such matters as how well he follows complicated instructions or meets deadlines. Based on his consistently excellent performance in my quite demanding course with all the writing that is required, I would be surprised if he were anything but top drawer in these respects. But all I can do is extrapolate.

I recommend him with confidence.

With kind regards,

Vincent Blasi
Corliss Lamont Professor of Civil Liberties
Columbia Law School

Vincent Blasi - blasi@law.columbia.edu - 212-854-5067

WILSON RAE STAMM
ATTORNEY AT LAW
1851 Columbia Road NW #605
Washington, DC 20009
(646) 874-3911
wilsonstamm@gmail.com

WRITING SAMPLE

Attached please find a legal memorandum that I drafted as an intern for the United States Attorney's Office for the Eastern District of New York during the Summer of 2019. It is the government's memorandum of law in opposition to a defendant's motion to suppress evidence. This memorandum addresses numerous constitutional issues, including the Fifth Amendment privilege against self-incrimination, the Sixth Amendment right to counsel, the waiver of Miranda rights, and the voluntariness of confessions. I have received permission from the United States Attorney's Office to use it as a writing sample.

**THE GOVERNMENT’S MEMORANDUM OF LAW
IN OPPOSITION TO THE DEFENDANT’S MOTION TO SUPPRESS**

PRELIMINARY STATEMENT

The government respectfully submits this memorandum of law in opposition to the defendant’s motion to suppress statements made by the defendant to law enforcement agents in this case. (Defendant’s Motion to Suppress (“Def. Mot.”)). The defendant asserts that his confession to law enforcement following his arrest should be suppressed because it was the product of custodial interrogation, in the absence of counsel, that took place after the defendant had invoked his Miranda rights. However, because (1) the defendant’s Sixth Amendment right to counsel had not attached to the instant case prior to the interrogation, (2) the defendant never invoked his Fifth Amendment right to counsel, and (3) the defendant knowingly and intelligently waived his Miranda rights before he was questioned, the defendant’s motion should be denied in its entirety.

FACTUAL BACKGROUND

I. The Instant Offense¹

On or about August 18, 2018, the defendant and the co-defendant entered a T-Mobile cellular telephone store located at 91-62 120 Street in Queens, New York

¹ This proffer of facts is not a complete statement of all facts and evidence of which the government is aware or that it will seek to introduce at trial. The statements summarized herein are related in sum, substance and part.

where store employees and customers (collectively, the “Victims”) were present. Upon entering the T-Mobile store, the defendant displayed a firearm and pointed it at the Victims standing near the counter. While the defendant was pointing the firearm at the Victims, both defendants began ordering the Victims beyond a closed door located at the rear of the store by giving verbal commands and making gestures with their arms and hands.

The co-defendant proceeded to a room in the rear of the store (the “Storage Room”) that was used, in part, to store inventory. The Storage Room also contained a large safe. The co-defendant entered the Storage Room and removed approximately twenty-two cell phones from the shelves and placed them into a black garbage bag. The defendant ordered one of the store employees (“Victim-1”) into the Storage Room with the co-defendant and ordered Victim-1 to unlock the safe.²

The defendant then directed and physically pushed Victim-1 into the front room of the store and forced her to open the store’s cash register. The defendant took approximately \$200.00 in U.S. currency from the cash register. The co-defendant left the store first, followed by the defendant. The defendant continued to hold and display the firearm while he was inside the store until he was finally ready to leave the store and began walking toward the exit, approximately three minutes

² The defendants did not appear to remove any property from the safe after Victim-1 unlocked it.

after he had entered. Surveillance video captured the defendants during their time in the store.

One of the cell phone packages which the co-defendant stole from the Storage Room contained an anti-theft GPS tracking device. This tracking device was activated upon the co-defendant's flight from the store with the cell phones, and the Real Time Crime Center of the New York City Police Department ("NYPD") was alerted. Police officers began attempting to locate the defendants by following the real-time geographical information of the GPS tracking device into the confines of the 75th Precinct in Brooklyn, New York.

A police officer, who was in a marked NYPD patrol car, was in the area indicated by the GPS tracker and observed a blue Hyundai Sonata with license plate HWZ8630 (the "Hyundai"). The defendant was driving the Hyundai and the co-defendant was the front passenger. The police officer attempted to initiate a traffic stop of the Hyundai. Instead of stopping, the defendant drove the Hyundai through a red light at the intersection of Glenmore Avenue and New Jersey Avenue and crashed into another vehicle occupied by two people.

Following the car crash, the defendants fled the Hyundai on foot. The co-defendant was apprehended next to the Hyundai. The defendant ran south on New Jersey Avenue. A police officer chased the defendant and apprehended him approximately 100 feet north of the intersection of New Jersey Avenue and Pitkin

Avenue. In close proximity to the defendant's flight path, a police officer found a loaded .9mm caliber Ruger model P89. The firearm had one round of .9mm ammunition in the chamber and an additional fifteen rounds in the magazine. Both defendants were placed under arrest and transported to the 75th Precinct in Brooklyn.

II. Post-Arrest Custodial Interrogation of the Defendant

At approximately 10:37 a.m. on August 19, 2018, the defendant was brought into an interrogation room within the 75th Precinct station house and advised of his Miranda rights by Police Officer Kaitlyn Walsh, of the 75th Precinct Detective Squad.³ This interaction (the "Brooklyn Interrogation") was captured by a videotaped recording. When Officer Walsh asked the defendant, "Now that I have advised you of your [Miranda] rights, are you willing to answer any questions?" The defendant responded, "Not really, but I mean, ask them, ask them." Officer Walsh informed the defendant that he needed to respond with a "yes" or "no," to which the defendant answered "no." The defendant did not ask for a lawyer or make any other indication that he wished to have counsel present. Officer Walsh did not ask the defendant any questions after that point and told the defendant that she would return to the interrogation room after he finished smoking his cigarette.

³ Prior to advising the defendant of his Miranda rights, Officer Walsh told the defendant, "I have to read you your Miranda rights. Do you know what that is? Like in the movies?" The defendant responded, "Yeah."

The defendant was subsequently transported to Central Booking in Kings County, and he was arraigned in Kings County Criminal Court on August 19, 2018 (the “Arraignment”), on charges of leaving the scene of an incident, reckless driving, and failing to obey a traffic control signal, defined by New York Vehicle and Traffic Law §§ 600(1)(A), 1212 and 1111(d)(1), respectively. A copy of the criminal complaint filed in the Kings County Criminal Court is attached hereto as Exhibit A.

At the Arraignment, the defendant was represented by Cassidy Lane of Brooklyn Defender Services and released by the court on his own recognizance. At the conclusion of the Arraignment, defense counsel invoked the defendant’s rights to remain silent and to have an attorney present for any identification procedures. (Def. Mot., Exhibit A, Transcript of Arraignment at 6-7).

Following the Arraignment, the defendant was transported by members of the NYPD to the 102nd Precinct in Queens, where he was detained in connection with the investigation of the robbery that had occurred at T-Mobile. On the morning of August 20, 2018, at approximately 10:11 a.m., the defendant was escorted by Detective Richard Waters, of the 102nd Precinct Detective Squad, into an interrogation room to be questioned about the T-Mobile robbery. Detective Waters fully advised the defendant of his Miranda rights.

During the reading of the defendant’s Miranda rights, the defendant was told, “You have the right to consult an attorney before speaking to police and to have an

attorney present during any questioning, now or in the future. Do you understand?" The defendant appeared to say "Yes," but said it in a low voice. Detective Waters prompted the defendant to answer out loud, to ensure there was no miscommunication. The defendant responded by answering "Yes" in a loud and clear voice. When Detective Waters said, "Now that I have advised you of your rights, are you willing to answer questions?" the defendant responded, "Yes." The interrogation by Detective Waters of the defendant (the "Queens Interrogation"), including the advisement of Miranda rights, was captured in a videotaped recording, and an uncertified transcript of the Queens Interrogation is attached hereto as Exhibit B.

In sum and substance, the defendant admitted to entering the T-Mobile store at 91-62 120 Street in Queens with the co-defendant and committing a robbery because he needed money to take care of his girlfriend, who he believed was pregnant. When Detective Waters asked the defendant about where the defendant got the gun that he used during the robbery, the defendant said, "I don't want to speak about that." The defendant continued to answer Detective Water's other questions about the robbery, explaining that he didn't hurt anybody in the store, and he wanted to apologize to one woman from the store who had seemed particularly scared. At no time during the interrogation did the defendant ask for a lawyer or make any other indication that he wished to have counsel present.

III. Procedural History

On August 21, 2018, a criminal complaint was filed in the instant matter, charging the defendant and the co-defendant with Hobbs Act robbery and brandishing a firearm during a crime a violence. The defendant's initial appearance, when counsel in this matter was appointed, occurred that same day. An indictment containing the same two charges was filed against the defendant and the co-defendant on September 4, 2018.

IV. The Defendant's Motion

The defendant now moves to suppress the statements made by the defendant during the Queens Interrogation on three grounds. The defendant argues that the Queens Interrogation was conducted in violation of the defendant's right to counsel under both the Fifth and Sixth Amendments of the Constitution and that, despite the defendant's express waiver of his Miranda rights, the defendant's statement was made involuntarily. The government addresses each argument in turn, and for the reasons below submits that none of the defendant's claims warrant suppression.

ARGUMENT

I. The Defendant's Sixth Amendment Right to Counsel Had Not Attached to the Instant Case at the Time of the Interrogation

A. Applicable Law

The Sixth Amendment provides that "in all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence." U.S.

Const. Amend. VI. In Michigan v. Jackson, 475 U.S. 625 (1986), the Supreme Court held that once the Sixth Amendment right to counsel has attached, any subsequent waiver during a police-initiated custodial interview is ineffective.

The Sixth Amendment right to counsel automatically attaches upon the commencement of adversarial proceedings, such as an arraignment. Kirby v. Illinois, 406 U.S. 682, 689 (1972); McNeil v. Wisconsin, 501 U.S. 171, 175 (1991). Once the automatic right to counsel attaches, law enforcement can initiate interrogation, but it must be preceded by the recitation of Miranda rights and a valid waiver of the right to counsel. Mantejo v. Louisiana, 556 U.S. 778 (2009). Once formal criminal proceedings begin, statements elicited from a defendant without an express waiver of the right to counsel are inadmissible. United States v. Henry, 447 U.S. 264 (1980).

The Sixth Amendment right to counsel is “offense specific,” meaning that a defendant to whom the right to counsel has attached for one offense may be questioned about other criminal conduct for which the right has not yet attached. McNeil, 501 U.S. at 175. Where the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be applied to determine whether there are two offenses or only one is whether each provision requires proof of a fact which the other does not. Blockburger v. United States, 284 U.S. 299, 304 (1932). Even where two crimes are factually related, the Sixth Amendment does not attach to an uncharged offense unless the charged offense and the uncharged offense require

proof of the same facts. Texas v. Cobb, 532 U.S. 162 (2001). In Texas v. Cobb, the Supreme Court applied Blockburger to the Sixth Amendment and found that questioning by law enforcement of a defendant about two uncharged murders committed during the course of a burglary for which the defendant had already been formally charged was not a violation of the defendant's Sixth Amendment right to counsel. Id.

B. Analysis

There is no dispute that the defendant's Sixth Amendment right to counsel had attached in the Kings County proceeding prior to the Queens Interrogation. However, since the Sixth Amendment right to counsel is offense specific, it did not attach to the instant case, which charges the defendant with distinct offenses from the charges in Kings County.

The charges in Kings County—leaving the scene of an incident, reckless driving and failing to obey a traffic control signal, defined by New York Vehicle and Traffic Law §§ 600(1)(A), 1212 and 1111(d)(1), respectively—share no common elements with the charges here—Hobbs Act robbery and brandishing a firearm during a crime of violence, defined by 18 U.S.C. § 1951(a) and 18 U.S.C. § 924(c)(1)(A)(i), respectively. The defendant concedes that the elements of the crimes charged in the Kings County case are not the same as the elements of the

crimes charged in the instant case. (Def. Mot. at 9). Under the Blockburger test, the offenses are distinct. See Blockburger, 284 U.S. at 304.

Accordingly, the attachment of the defendant's Sixth Amendment right to counsel in the Kings County case did not preclude law enforcement from attempting to question the defendant about the distinct offenses charged in the instant case. At the time Detective Waters began the Queens Interrogation, the defendant had neither been arraigned on the distinct federal charges, nor made an initial appearance before a federal judge, nor retained or been assigned an attorney to represent him on the federal charges. In other words, at the time of the Queens Interrogation, the defendant's Sixth Amendment right to counsel had not yet attached to the instant case.

In his motion to suppress, the defendant argues that the Sixth Amendment right to counsel extended from the Arraignment in Kings County to the instant case because, even though the elements of the crimes in the Kings County case are different from the elements of the crimes charged here, the events underlying the two charges are identical.⁴ (Def. Mot. at 9). This argument overlooks the Supreme

⁴ The government disputes that the underlying facts of the charges are "identical" but concedes that the facts which would be sought to be introduced at a trial in either case would be similar. For example, at trial in the instant case, the government would not be required to introduce evidence of the car accident to satisfy its burden of proof, but would nonetheless seek to introduce that evidence because it demonstrates the defendant's flight from law enforcement and is evidence of the defendant's consciousness of guilt.

Court's decision in Texas v. Cobb, 532 U.S. 162, which specifically holds that even when the same events underlie charged and uncharged offenses, the Sixth Amendment does not attach to an uncharged offense, unless, pursuant to Blockburger, the charged offense and the uncharged offense require proof of the same facts. The instant charges require proof of different facts than the Kings County charges.

II. The Defendant Never Invoked His Fifth Amendment Right to Counsel

A. Applicable Law

In Miranda v. Arizona, the Supreme Court held that the Fifth Amendment's prohibition against compelled self-incrimination requires that custodial interrogation by law enforcement be preceded by advice to the suspect that he has the right to remain silent and the right to an attorney. Miranda v. Arizona, 384 U.S. 436 (1966). If and only if an individual states that he wants an attorney, interrogation must cease until an attorney is present, at which time the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning. Id. at 474. This Fifth Amendment right to counsel conferred by Miranda is independent from the right to counsel granted by the Sixth Amendment of the Constitution. R.I. v. Innis, 446 U.S. 291, 300, FN 5 (1980). A defendant's Fifth Amendment right to counsel does not attach simply because his Sixth

Amendment right to counsel has attached in connection with a pre-existing prosecution. McNeil, 501 U.S. at 180-181.

In order to invoke one's Fifth Amendment right to counsel, a suspect's request for counsel must be unequivocal. Davis v. United States, 512 U.S. 452, 459 (1994). A suspect must make "some statement that can reasonably be construed to be an expression of desire for the assistance of an attorney." McNeil, 501 U.S. at 178.

The Fifth Amendment right to counsel is one that must be affirmatively invoked by the subject of custodial interrogation. Davis, 512 U.S. at 460-61. The Fifth Amendment right to counsel is personal to the defendant and cannot be invoked on the defendant's behalf by counsel. United States v. Medunjanin, 752 F.3d 576, 587 (2d Cir. 2014) (attorney's pre-arrest requests that defendant not be questioned outside counsel's presence did not invoke defendant's Fifth Amendment right to counsel). A suspect may not invoke his Fifth Amendment right to counsel anticipatorily; it is not until a suspect is the subject of custodial interrogation that it can be asserted. Id. at 588; United States v. Thompson, 35 F.3d 100, 104 (2d Cir. 1994).

B. Analysis

The defendant never invoked his Fifth Amendment right to counsel. At no time did the defendant affirmatively express to law enforcement a desire for the assistance of an attorney—either during the Brooklyn Interrogation on August 19,